

Page 196

15:06:04 1 Q And was the attached report of an
 15:06:08 2 inspection of the dry mill also received with the
 15:06:10 3 cover letter?
 15:06:10 4 A I would assume so, yes, sir.
 15:06:18 5 Q Okay. On page one, under "Description of
 15:06:22 6 Operations," second sentence, it says, "The backs to
 15:06:24 7 the screens have been replaced on nearly all
 15:06:26 8 machines, and the rubbers on the screens were in
 15:06:32 9 good shape, generally, although a few were broken."
 15:06:32 10 Do you see that?
 15:06:34 11 A Yes, sir.
 15:06:36 12 Q And it says, "Those that were broken were
 15:06:40 13 leaking dust badly." Do you see that?
 15:06:40 14 A Yes.
 15:06:44 15 Q And then in the next paragraph, it says,
 15:06:50 16 "A new 35,000 CFM," cubic feet per minute, "fan
 15:06:54 17 which discharged at ground level had been
 15:06:56 18 installed. According to Mr. Vinion, the plant
 15:07:00 19 expects, in addition, to have a south side fan, old
 15:07:02 20 600, hooked up soon." Do you see that?
 15:07:04 21 A Yes.
 15:07:04 22 Q Okay. So the first reference to the
 15:07:06 23 35,000 CFM fan is the big fan that was bought;
 15:07:14 24 correct?
 15:07:14 25 A Yes, sir.

Page 197

15:07:14 1 Q That we talked about --
 15:07:16 2 MR. GRAHAM: Object to the form of
 15:07:18 3 the question.
 15:07:20 4 Go ahead.
 15:07:20 5 BY MR. HEBERLING:
 15:07:20 6 Q And is that the big fan we talked about
 15:07:22 7 earlier?
 15:07:22 8 A Yes.
 15:07:26 9 Q And then what about this south side old
 15:07:28 10 600 fan? Was that ever hooked up?
 15:07:30 11 A Yes, sir.
 15:07:32 12 Q Okay. Do you know when?
 15:07:38 13 A No, sir, I don't know. I don't recall.
 15:07:44 14 Q And then on page one also, paragraph
 15:07:48 15 three, under "Description of Operations," it states,
 15:07:50 16 "It was noted that the rafters were heavily loaded
 15:07:54 17 with dust." "It is unfortunate that the good work
 15:07:58 18 that has been done in the ventilation system is
 15:08:00 19 reduced by extremely poor housekeeping." Do you see
 15:08:04 20 that?
 15:08:04 21 A Yes.
 15:08:04 22 Q And then a number of other problems are
 15:08:06 23 discussed in the report; is that correct?
 15:08:08 24 A Yes.
 15:08:10 25 Q And did Zonolite dispute any of these

Page 198

15:08:14 1 statements in the report?
 15:08:16 2 MR. GRAHAM: Object to the form of
 15:08:18 3 the question as to what is meant by the term
 15:08:20 4 "Dispute".
 15:08:22 5 Go ahead and answer it to the best of your
 15:08:24 6 recollection.
 15:08:28 7 THE WITNESS: No, sir. I don't
 15:08:28 8 believe so.
 15:08:30 9 BY MR. HEBERLING:
 15:08:30 10 Q And then on the next page, do you see a
 15:08:34 11 table of samples over the years '56, '59, '62,
 15:08:34 12 '63, '64?
 15:08:42 13 A Yes.
 15:08:56 14 Q And if the standard is 20, is it fair to
 15:08:56 15 say that almost all the samples in those years were
 15:08:58 16 over 20?
 15:09:00 17 MR. GRAHAM: I would object to the
 15:09:02 18 form of the question on the basis that, if it's
 15:09:06 19 meant the ones that are recounted here, that's one
 15:09:12 20 thing. If it's meant all samples taken throughout
 15:09:14 21 those years, that's another thing.
 15:09:18 22 MR. HEBERLING: I'll restate the
 15:09:18 23 question.
 15:09:18 24 BY MR. HEBERLING:
 15:09:22 25 Q Please focus on the standard for dust, not

Page 199

15:09:24 1 asbestos, but just dust, generally, of 20. Do you
 15:09:28 2 see that?
 15:09:28 3 A Yes.
 15:09:30 4 Q And if that standard is 20, is it fair to
 15:09:32 5 say that almost all the samples over the years '56
 15:09:38 6 to '64 listed on this table exceed the standard?
 15:09:46 7 A The thing that is missing is, the maximum
 15:09:58 8 allowable concentration of 20 was what the allowable
 15:10:00 9 concentration was in 1964, and I do not believe that
 15:10:04 10 that standard was the same in previous years, back
 15:10:10 11 to 1956. I think in previous years -- some of the
 15:10:12 12 previous years the allowable concentration was
 15:10:16 13 higher than 20.
 15:10:18 14 Q And was it your understanding that the
 15:10:20 15 standard in 1964 at 20 was based on current
 15:10:24 16 scientific knowledge at that time?
 15:10:26 17 A Yes, sir.
 15:10:26 18 MR. GRAHAM: Object to the
 15:10:28 19 foundation.
 15:10:30 20 BY MR. HEBERLING:
 15:10:34 21 Q Then under "Toxicology," it says, "In a
 15:10:40 22 recent article published in the Journal of the
 15:10:42 23 American Medical Association, April 6, 1964, by
 15:10:48 24 Selikoff and others, it is indicated that the,
 15:10:48 25 quote, 'Building trades insulation workers have

EARL D. LOVICK (VOL. 1)

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HURLBERT VS. W.R. GRACE

Page 200	Page 202
<p>15:10:52 1 relatively light, intermittent exposure to</p> <p>15:10:56 2 asbestos. Of 632 insulation workers who entered the</p> <p>15:11:00 3 trade before 1943 and were traced through '62, 45</p> <p>15:11:04 4 died of cancer of the lung or pleura, whereas only</p> <p>15:11:18 5 6.6 such deaths were expected. Three of the pleural</p> <p>15:11:18 6 tumors were mesotheliomas." Do you see that?</p> <p>15:11:20 7 A Yes.</p> <p>15:11:20 8 MR. GRAHAM: Objection. Improper</p> <p>15:11:20 9 examination.</p> <p>10 BY MR. HEBERLING:</p> <p>15:11:20 11 Q "Four mesotheliomas in a total of 255</p> <p>15:11:22 12 deaths is an exceedingly high incidence for such a</p> <p>15:11:24 13 rare tumor." Do you see that?</p> <p>15:11:26 14 A Yes.</p> <p>15:11:28 15 MR. GRAHAM: Same objection.</p> <p>15:11:28 16 BY MR. HEBERLING:</p> <p>15:11:28 17 Q And then at the end, "Twelve men died of</p> <p>15:11:30 18 asbestosis."</p> <p>15:11:32 19 MR. GRAHAM: Same objection.</p> <p>15:11:34 20 BY MR. HEBERLING:</p> <p>15:11:38 21 Q Okay. Now, first of all, there's</p> <p>15:11:40 22 reference to a light, intermittent exposure to</p> <p>15:11:42 23 asbestos in building trades workers. Do you recall</p> <p>15:11:46 24 that?</p> <p>15:11:46 25 A Yes.</p>	<p>15:13:12 1 for workers exposed to asbestos?</p> <p>15:13:12 2 MR. MURPHY: Objection. Lack of</p> <p>15:13:14 3 foundation.</p> <p>15:13:14 4 THE WITNESS: Well, this was people</p> <p>15:13:20 5 in the building trade, insulation workers, which had</p> <p>15:13:20 6 nothing to do with our operation.</p> <p>15:13:22 7 BY MR. HEBERLING:</p> <p>15:13:22 8 Q Now, did you have workers who had</p> <p>15:13:24 9 relatively light, intermittent exposure to asbestos?</p> <p>15:13:30 10 A Well, yes.</p> <p>15:13:30 11 Q And did you have workers with more</p> <p>15:13:32 12 exposure than light or intermittent?</p> <p>15:13:36 13 MR. GRAHAM: Object to the form of</p> <p>15:13:38 14 the question. The terms being utilized are vague</p> <p>15:13:40 15 and ambiguous and not sufficiently defined to be</p> <p>15:13:44 16 able to make an answer.</p> <p>15:13:46 17 Go ahead and answer.</p> <p>15:13:48 18 THE WITNESS: Yes, we would have.</p> <p>15:13:50 19 BY MR. HEBERLING:</p> <p>15:13:50 20 Q And was it the company's position on</p> <p>15:13:56 21 receiving this quote from the American Medical</p> <p>15:13:58 22 Association article that this had nothing to do with</p> <p>15:14:00 23 the Libby workers?</p> <p>15:14:02 24 MR. MURPHY: Objection. Lack of</p> <p>15:14:02 25 foundation.</p>
Page 201	Page 203
<p>15:11:48 1 Q And at Zonolite you had workers with heavy</p> <p>15:11:50 2 exposure at times; correct?</p> <p>15:11:52 3 MR. GRAHAM: Objection. Vague and</p> <p>15:11:56 4 ambiguous in relation to what the document he's</p> <p>15:12:02 5 being examined on says.</p> <p>15:12:04 6 Go ahead and answer it if you can.</p> <p>15:12:04 7 THE WITNESS: Yes, that would be</p> <p>15:12:08 8 correct at times.</p> <p>15:12:10 9 BY MR. HEBERLING:</p> <p>15:12:12 10 Q And have you also testified that at times</p> <p>15:12:14 11 exposure in the dry mill was very great?</p> <p>15:12:16 12 A Yes, sir, I have.</p> <p>15:12:16 13 Q Have you also testified that the dry mill</p> <p>15:12:20 14 was a terribly dusty place to work?</p> <p>15:12:22 15 A I don't know that I would have used those</p> <p>15:12:26 16 exact words, but, yes, it was a very dusty place to</p> <p>15:12:28 17 work.</p> <p>15:12:30 18 Q And did this continue up to 1974, when the</p> <p>15:12:34 19 dry mill closed, that it was still a very dusty</p> <p>15:12:38 20 place?</p> <p>15:12:38 21 A Yes, sir, it did.</p> <p>15:12:44 22 Q So did you understand in 1964, from the</p> <p>15:12:50 23 excerpt in the American Medical Association article,</p> <p>15:12:54 24 that with 45 men dying and about seven expected to</p> <p>15:13:00 25 die of lung cancer that's a rate of six times normal</p>	<p>15:14:06 1 THE WITNESS: Well, I would think,</p> <p>15:14:10 2 yes, it didn't have anything to do with Libby</p> <p>15:14:12 3 workers, because it was a different class of people,</p> <p>15:14:16 4 and it was different asbestos that they were exposed</p> <p>15:14:20 5 to than what we had at Libby.</p> <p>15:14:24 6 BY MR. HEBERLING:</p> <p>15:14:24 7 Q So to your knowledge the company didn't</p> <p>15:14:30 8 consider this excerpt from the American Medical</p> <p>15:14:34 9 Association journal significant?</p> <p>15:14:34 10 MR. MURPHY: Objection. Lack of</p> <p>15:14:36 11 foundation. He can't speak for the company.</p> <p>15:14:38 12 BY MR. HEBERLING:</p> <p>15:14:40 13 Q To your knowledge?</p> <p>15:14:40 14 A To my knowledge I can't answer that</p> <p>15:14:42 15 question because I don't know what they considered.</p> <p>15:14:44 16 Q Did you consider it significant?</p> <p>15:14:50 17 A Well, I considered it worthy of</p> <p>15:14:50 18 consideration, yes, sir.</p> <p>15:14:52 19 Q But I take it you didn't consider it --</p> <p>15:14:56 20 that it had any application to the workers in Libby?</p> <p>15:15:02 21 A No. There was no direct relationship to</p> <p>15:15:02 22 the workers in Libby from this.</p> <p>15:15:06 23 Q So you would need something that would be</p> <p>15:15:10 24 more in the way of a study of the workers in Libby</p> <p>15:15:14 25 before you would consider the statement significant;</p>

Page 204	Page
<p>15:15:22 1 is that correct?</p> <p>15:15:22 2 MR. MURPHY: Objection. Vague and</p> <p>15:15:24 3 ambiguous.</p> <p>15:15:26 4 THE WITNESS: That would be correct,</p> <p>15:15:28 5 yes.</p> <p>15:15:30 6 BY MR. HEBERLING:</p> <p>15:15:34 7 Q And in 1964 or the year after, did Grace</p> <p>15:15:38 8 ever undertake a study of the workers in Libby as to</p> <p>15:15:42 9 what workers may have died of?</p> <p>15:15:46 10 A Yes.</p> <p>15:15:46 11 Q In 1964 the company did?</p> <p>15:15:50 12 A No, sir. Not 1964, but I believe your</p> <p>15:16:06 13 question was, 1964 or after.</p> <p>15:16:06 14 Q I think I said 1964 or 1965.</p> <p>15:16:08 15 A I'm sorry.</p> <p>15:16:08 16 MR. MURPHY: I think you were right,</p> <p>15:16:08 17 Mr. Lovick.</p> <p>15:16:08 18 BY MR. HEBERLING:</p> <p>15:16:08 19 Q Okay. Let's clarify the question. In</p> <p>15:16:10 20 1964 or '65, did Grace undertake a study of what the</p> <p>15:16:14 21 Zonolite workers in Libby may have died of?</p> <p>15:16:16 22 A No, sir.</p> <p>15:16:16 23 Q Was that ever done in the 1960s?</p> <p>15:16:22 24 A No, sir.</p> <p>15:16:22 25 Q Was it done in the 1970s?</p>	<p>15:17:36 1 THE WITNESS: I think I would have</p> <p>15:17:40 2 realized that lung cancer could have been cause</p> <p>15:17:42 3 asbestos, but not necessarily.</p> <p>15:17:46 4 BY MR. HEBERLING:</p> <p>15:17:46 5 Q There are other things that cause lung</p> <p>15:17:50 6 cancer?</p> <p>15:17:50 7 A Yes.</p> <p>15:17:50 8 Q And did you have any information</p> <p>15:17:52 9 indicating that lung cancer was not caused by</p> <p>15:17:56 10 asbestos?</p> <p>15:17:58 11 A I don't understand that question.</p> <p>15:18:00 12 Q In 1964 did you have any information</p> <p>15:18:02 13 indicating that lung cancer was not caused by</p> <p>15:18:10 14 asbestos exposure?</p> <p>15:18:10 15 A I'm sorry. I still don't understand what</p> <p>15:18:12 16 the question is. I think it's ambiguous. It's</p> <p>15:18:16 17 misleading.</p> <p>15:18:20 18 Q Well, did you --</p> <p>15:18:22 19 MR. GRAHAM: Are you asking him</p> <p>15:18:22 20 whether there are other causes of lung cancer?</p> <p>15:18:24 21 Because that's the way --</p> <p>15:18:26 22 MR. HEBERLING: No.</p> <p>15:18:28 23 MR. GRAHAM: That's where I think th</p> <p>15:18:28 24 confusion lies, Jon.</p> <p>25 /////</p>
Page 205	Page
<p>15:16:24 1 A No, sir.</p> <p>15:16:24 2 Q Was it done by a grant from W.R. Grace in</p> <p>15:16:28 3 1983, '84?</p> <p>15:16:30 4 A Yes, sir.</p> <p>15:16:34 5 Q Now, the word "Mesothelioma" appears</p> <p>15:16:38 6 here. I think I read it back to you. Was that your</p> <p>15:16:42 7 first understanding of what mesothelioma might be,</p> <p>15:16:46 8 1964, when you received this Exhibit 53?</p> <p>15:16:52 9 A I don't recall when my first understanding</p> <p>15:16:58 10 of what mesothelioma might have been -- when I would</p> <p>15:16:58 11 have -- when it would have meant anything to me.</p> <p>15:17:02 12 Q So in 1964 were you aware that</p> <p>15:17:04 13 mesothelioma was, in the opinion of some, related to</p> <p>15:17:10 14 exposure to asbestos?</p> <p>15:17:12 15 A Yes, sir, I would have realized that in</p> <p>15:17:14 16 '64.</p> <p>15:17:16 17 Q Did you have any information to the</p> <p>15:17:18 18 contrary?</p> <p>15:17:20 19 A No, sir.</p> <p>15:17:20 20 Q And were you aware also that lung cancer,</p> <p>15:17:26 21 as of 1964, was related to the exposure to</p> <p>15:17:30 22 asbestos?</p> <p>15:17:30 23 MR. GRAHAM: I'd object to the</p> <p>15:17:32 24 form --</p> <p>15:17:32 25 Well, go ahead and answer if you can.</p>	<p>15:18:30 1 BY MR. HEBERLING:</p> <p>15:18:30 2 Q Okay. In 1964 you got this article from</p> <p>15:18:32 3 the Journal of the American Medical Associati</p> <p>15:18:36 4 excerpt, which I read.</p> <p>15:18:38 5 A Uh-huh.</p> <p>15:18:38 6 Q And is it fair to say that this indicates</p> <p>15:18:40 7 a relationship between asbestos exposure and l</p> <p>8 cancer?</p> <p>15:18:48 9 A That's what this excerpt from the article</p> <p>15:18:52 10 indicates, that there can be a relationship, yes,</p> <p>11 sir.</p> <p>15:18:54 12 Q Okay. So then I'm asking whether you l</p> <p>15:18:58 13 any information to the contrary as of '64.</p> <p>15:19:00 14 A No, sir.</p> <p>15:19:06 15 MR. GRAHAM: Just so I can summa</p> <p>15:19:08 16 that, the question and answer is that he didn't</p> <p>15:19:14 17 any information that asbestos couldn't cause h</p> <p>15:19:22 18 cancer or didn't cause lung cancer? Is that --</p> <p>15:19:28 19 still confused, and I would prefer --</p> <p>15:19:28 20 MR. HEBERLING: I think the record is</p> <p>15:19:30 21 clear, and you can ask questions later. Okay?</p> <p>15:19:34 22 MR. GRAHAM: Okay. Because of you</p> <p>15:19:34 23 invitation, I will try not to interrupt anymore f</p> <p>15:20:04 24 clarification purposes, and the jury can unders</p> <p>15:20:08 25 that I'll have a chance to later clarify matters,</p>

EARL D. LOVICK (VOL. 1)

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HURLBERT VS. W.R. GRACE

Page 208

Page 210

15:20:08 1 and the reason I can't now is because counsel wishes
15:20:08 2 to proceed with his examination at this point, and
15:20:10 3 that's fine.

15:20:10 4 MR. HEBERLING: Okay. And I'm asking
15:20:12 5 what his understanding was as a result of this AMA
15:20:12 6 article and not his opinions on what causes lung
15:20:12 7 cancer. Okay?

15:20:14 8 BY MR. HEBERLING:

15:20:14 9 Q Now, after you received this excerpt of
15:20:16 10 the American Medical Association article, was there
15:20:16 11 an effort in Libby to obtain a copy of it?

15:20:20 12 A Not that I recollect, no, sir.

15:20:34 13 Q Did you receive any directives from
15:20:34 14 W.R. Grace as a result of this report, the 1963
15:20:36 15 State Board of Health report? 1964. Excuse me.

15:20:38 16 A Not that I recall, no, sir.

15:20:50 17 Q Did this report further support your view
15:20:52 18 that the asbestos and the dust in the air was a
15:20:52 19 serious hazard?

15:20:56 20 A Yes. I would say that it did.

15:20:58 21 Q Then, at the top of the next page, there's
15:21:10 22 a further quote from the American Medical
15:21:12 23 Association article referencing a study in
15:21:18 24 South Africa. I'll just read it. "'The recent
15:21:24 25 demonstration by South African and British

15:22:26 1 A The vermiculite concentrate was bagged and
15:22:26 2 shipped out.

15:22:28 3 Q What kind of bag? Were those like --

15:22:32 4 A They were 100-pound paper bags.

15:22:36 5 Q Okay. And in 1964 did Zonolite also have
15:22:40 6 its experimental lab down by the railroad tracks on
15:22:44 7 the edge of town?

15:22:44 8 A Yes, sir.

15:22:54 9 Q In the 1950s and '60s, were you aware that
15:22:58 10 children played on piles of the ore near the
15:23:04 11 railroad tracks?

15:23:06 12 MR. MURPHY: Objection. Irrelevant
15:23:12 13 to the issues in this case.

15:23:12 14 THE WITNESS: We had --

15:23:16 15 BY MR. HEBERLING:

15:23:16 16 Q Well, let me address this objection.

15:23:18 17 MR. HEBERLING: We're using this
15:23:20 18 deposition for all pending cases, and it includes
15:23:22 19 some cases where people had exposure as children
15:23:28 20 playing on piles of it, so that's where I'm going.

15:23:32 21 BY MR. HEBERLING:

15:23:32 22 Q Okay. So were you aware in the '50s or
15:23:36 23 '60s that children played on piles of the ore near
15:23:40 24 the railroad track?

15:23:40 25 A We had one storage bin where vermiculite

Page 209

Page 211

15:21:30 1 investigators of pleural and peritoneal neoplasms
15:21:32 2 among individuals who had chance environmental
15:21:34 3 exposure to asbestos many years before raises the
15:21:40 4 very important question of possible widespread
15:21:40 5 carcinogenic air pollution.' It was also
15:21:42 6 demonstrated that asbestos bodies were found in a
15:21:48 7 man not employed in an industry but living next door
15:21:50 8 to an asbestos factory." Do you see that?

15:21:52 9 A Yes.

15:21:54 10 MR. GRAHAM: Objection. Improper
15:21:54 11 examination.

15:21:54 12 BY MR. HEBERLING:

15:21:56 13 Q Now, in 1964 Zonolite had its expanding
15:22:00 14 plant down by the railroad on the edge of town;
15:22:02 15 correct?

15:22:02 16 A Yes, sir.

15:22:02 17 Q And that was near the ball fields?

15:22:04 18 A Yes, sir.

15:22:06 19 Q And was there also the municipal swimming
15:22:10 20 pool down there?

15:22:10 21 A Yes, sir.

15:22:10 22 Q And by 1964 Zonolite also had a bagging
15:22:16 23 plant in that same area, did it?

15:22:20 24 A Yes, sir.

15:22:20 25 Q What was done at the bagging plant?

15:23:48 1 concentrate was stored, and it was an open bin, in
15:23:52 2 effect, and there was one pile of material in there,
15:23:58 3 and we knew that from time to time people, children
15:24:00 4 particularly, did get on that pile of ore. We were
15:24:04 5 not successful in keeping them away.

15:24:08 6 Q And were you aware that the kids enjoyed
15:24:10 7 sliding on the pile?

15:24:14 8 MR. GRAHAM: I would object on the
15:24:14 9 basis of the form of the question because it calls
15:24:20 10 for speculation as to what was the state of mind of
15:24:20 11 those people who were sliding on the pile, if there
15:24:22 12 were any.

15:24:22 13 MR. HEBERLING: I'll rephrase the
15:24:24 14 question.

15:24:24 15 BY MR. HEBERLING:

15:24:24 16 Q Did you ever see the kids sliding on the
15:24:28 17 pile?

15:24:28 18 A No, sir.

15:24:30 19 Q Did your kids ever do that?

15:24:30 20 A Not to my knowledge, no, sir.

15:24:34 21 Q Is it possible they went down there
15:24:36 22 without you knowing it?

15:24:42 23 A Certainly it's possible, but I doubt that.

15:24:44 24 Q Did they play down by the ball fields?

15:24:46 25 A No.

Page 212	Page
<p>15:24:48 1 Q Okay. Were you aware that it was a faster 15:24:48 2 slide down the ore pile than it would be on sand -- 15:24:50 3 MR. GRAHAM: Objection. 15:24:52 4 BY MR. HEBERLING: 15:24:52 5 Q -- because the ore was somewhat slippery? 15:24:54 6 MR. GRAHAM: Object to the form of 15:24:56 7 the question. 15:24:56 8 THE WITNESS: I don't know. 15:24:58 9 BY MR. HEBERLING: 15:24:58 10 Q Were you aware that it was fun for that 15:25:00 11 reason? 15:25:00 12 MR. GRAHAM: Objection. 15:25:02 13 THE WITNESS: No. I don't know 15:25:02 14 that. 15:25:02 15 BY MR. HEBERLING: 15:25:02 16 Q Okay. Would it surprise you if a large 15:25:04 17 number of people in Libby could testify that they 15:25:06 18 played on those piles as children? 15:25:10 19 MR. GRAHAM: Object to the form and 15:25:12 20 the fact that it's an improper examination trying to 15:25:12 21 elicit -- present hearsay testimony to the jury. 15:25:22 22 Go ahead and answer it, if you can. 15:25:22 23 THE WITNESS: May I hear the question 15:25:24 24 again, please? 15:25:24 25 /////</p>	<p>15:26:04 1 fence in the area? 15:26:30 2 A No, I don't believe there is a fence in 15:26:30 3 the area. 15:26:32 4 Q In the '50s and '60s, were you aware that 15:26:36 5 children would get the vermiculite ore and pop it b 15:26:42 6 setting a match to it? 15:26:42 7 A No, I'm not specifically aware that that 15:26:48 8 happened. 15:26:50 9 Q You never saw kids doing that? 15:26:50 10 A No, sir. 15:26:52 11 Q In the '50s and '60s, did the company ever 15:27:00 12 have warning signs about asbestos hazards on comp 15:27:00 13 property anywhere? 15:27:08 14 A I don't really recall when they put up 15:27:10 15 warning signs, but at some point there were warnin 15:27:16 16 signs put up, but I don't believe there were any in 15:27:18 17 the '50s and '60s. 15:27:20 18 Q Is it probable that that was the late 15:27:22 19 '70s? 15:27:24 20 A It's probable that it was in the '70s, but 15:27:26 21 I -- I can't be more specific than that. 15:27:32 22 Q And to your knowledge did the company eve 15:27:50 23 notify neighbors, meaning the people in the houses, 15:27:50 24 say, within a quarter mile of the facilities near 15:28:00 25 the railroad tracks near the edge of town, that</p>
Page 213	Page
<p>15:25:26 1 BY MR. HEBERLING: 15:25:26 2 Q I'll rephrase it. Would you be surprised 15:25:28 3 to hear that quite a few children played on the 15:25:30 4 piles of vermiculite ore? 15:25:34 5 A I don't know what "Quite a few children" 15:25:40 6 means, but I would not be surprised if some children 15:25:40 7 hadn't played on that. 15:25:42 8 Q In the '50s and '60s, did the company ever 15:25:46 9 fence the kids out of the company areas? 15:25:48 10 A I don't believe so, no, sir. 15:25:50 11 Q In the '70s? 15:25:56 12 MR. GRAHAM: I would object on the 15:25:56 13 basis of vagueness as to what you mean by "Company 15:26:00 14 areas". 15:26:00 15 MR. HEBERLING: Okay. I'll rephrase 15:26:02 16 that. 15:26:04 17 BY MR. HEBERLING: 15:26:04 18 Q In the '50s and '60s, did the company ever 15:26:06 19 fence the kids out of the company areas where the 15:26:10 20 bagging plant, expanding plant and storage area was 15:26:16 21 near the railroad near the edge of town? 15:26:18 22 A No, sir. 15:26:18 23 Q In the '70s did they do that? 15:26:20 24 A No, sir. 15:26:24 25 Q Are you aware that even today there's no</p>	<p>15:28:00 1 inhaling asbestos was a serious health hazard? 15:28:04 2 MR. GRAHAM: Object to the form of 15:28:14 3 the question based on the implication that it has. 15:28:14 4 Go ahead and answer the question. 15:28:14 5 MR. MURPHY: And, then, also, vague 15:28:16 6 and ambiguous in that there's absolutely no eviden 15:28:16 7 on this or many other similar questions as to 15:28:18 8 duration, intensity, type of asbestos exposure. 15:28:20 9 THE WITNESS: I have no knowledge of 15:28:28 10 any such notification, no, sir. 15:28:28 11 BY MR. HEBERLING: 15:28:28 12 Q To your knowledge did the company ever 15:28:32 13 notify the public in the Libby community that 15:28:34 14 inhaling asbestos was a serious health hazard? 15:28:38 15 MR. GRAHAM: Same objection. 15:28:48 16 MR. MURPHY: Same objection as to the 15:28:48 17 last question. 15:28:48 18 THE WITNESS: Not to my knowledge. 15:29:16 19 BY MR. HEBERLING: 15:29:16 20 Q Back to the 1964 report, page three, 15:29:18 21 paragraph two. I think that's the same page we w 15:29:18 22 still on there. Do you see where it says, "The 15:29:20 23 asbestos content of the material with which you an 15:29:20 24 working appears to provide some serious potential 15:29:22 25 for the development of disease, if not properly</p>

EARL D. LOVICK (VOL. 1)

CondenseIt!™

HURLBERT VS. W.R. GRACE

Page 216

Page 218

15:29:34 1 controlled?"

15:29:36 2 MR. GRAHAM: Is that the same

15:29:38 3 sentence that starts out "While the above situation

15:29:40 4 does not apply specifically to operations at your

15:29:42 5 plant?"

15:29:44 6 MR. HEBERLING: Yes.

15:29:46 7 MR. GRAHAM: Okay.

15:29:48 8 THE WITNESS: Yes, sir, I see that.

15:29:50 9 BY MR. HEBERLING:

15:29:52 10 Q And did you understand that as a reference

15:29:54 11 that there was a serious potential for the

15:29:56 12 development of disease, not only to the workers, but

15:29:58 13 to the community as well?

15:30:00 14 MR. MURPHY: Objection. Lack of

15:30:02 15 foundation.

15:30:04 16 THE WITNESS: No, sir. I was not

15:30:06 17 aware that there was any potential for a large --

15:30:08 18 for a problem in the community.

15:30:10 19 BY MR. HEBERLING:

15:30:12 20 Q Where the report talks about asbestos

15:30:14 21 bodies found in a man living next door to an

15:30:16 22 asbestos factory and asbestos air pollution, did you

15:30:18 23 understand that that meant a possible danger to the

15:30:20 24 community?

15:30:22 25 MR. GRAHAM: Same objection.

Page 217

15:30:26 1 MR. MURPHY: Objection. Asked and

15:30:28 2 answered. Argumentative.

15:30:30 3 THE WITNESS: You're comparing our

15:30:32 4 operation to an asbestos operation, and the amount

15:30:34 5 of asbestos or tremolite that was found in that

15:30:36 6 concentrate that would be liberated into the air in

15:30:38 7 the area would be extremely small amounts, and I

15:30:40 8 don't -- didn't believe -- understand then and I

15:30:42 9 don't believe now that it would be of such quantity

15:30:44 10 that it would be a threat.

15:30:46 11 BY MR. HEBERLING:

15:30:48 12 Q Did Grace ever test the air for asbestos

15:30:50 13 in the neighborhoods near the Grace facilities, near

15:30:52 14 the railroad tracks on the edge of town?

15:30:54 15 A Yes, they did.

15:30:56 16 Q They did?

15:30:58 17 A Yes.

15:31:00 18 Q And what was the result of that?

15:31:02 19 A As I recall, they could never come up with

15:31:04 20 any figures, any asbestos fibers being present.

15:31:06 21 Q When was that done?

15:31:08 22 A Oh, in the -- Probably in the '60s and

15:31:10 23 certainly in the '70s.

15:31:12 24 Q And have you recently seen any documents,

15:31:14 25 say, in the last five years at any of these

15:31:38 1 depositions regarding those tests of the air on the

15:31:40 2 edge of Libby?

15:31:42 3 A No, sir.

15:31:44 4 Q But you recall that being done; is that

15:31:46 5 correct?

15:31:48 6 A Yes, sir.

15:31:50 7 Q Did you ever see days where there was dust

15:31:52 8 drifting from the Grace facilities across the ball

15:31:54 9 fields to town?

15:31:56 10 A No, sir.

15:31:58 11 Q Where was your office downtown? What was

15:32:00 12 the address of that?

15:32:02 13 A It was in the 300 block of Mineral Avenue,

15:32:04 14 which is the main street of Libby. 317 Mineral was

15:32:06 15 the specific address.

15:32:08 16 Q In the '60s or '70s, do you recall any

15:32:10 17 public meetings regarding effects on the community

15:32:12 18 from asbestos exposure?

15:32:14 19 A No, sir.

15:32:16 20 Q Then on the same page of the '64 report,

15:32:18 21 Item 3, there's a recommendation "That the blower

15:32:20 22 discharged, presently at ground level, be elevated

15:32:22 23 to such a degree that reentry is not so prevalent".

15:32:24 24 Do you see that?

15:32:26 25 A Yes, sir.

Page 219

15:33:18 1 Q And then above "Conclusions," do you see

15:33:20 2 where it says, "In addition, the discharge of large

15:33:22 3 volumes of asbestos-laden dust at ground level sets

15:33:24 4 up a condition where all members of the plant can be

15:33:26 5 exposed in addition to those who work in the dry

15:33:28 6 mill"?

15:33:30 7 MR. MURPHY: Where are you reading

15:33:32 8 from now?

15:33:34 9 BY MR. HEBERLING:

15:33:36 10 Q Do you see that above the "Conclusions and

15:33:38 11 Recommendations" section, in the paragraph?

15:33:40 12 A I see it, yes.

15:33:42 13 Q Okay. Now, this ground level discharge,

15:33:44 14 is that related to the new 35,000 CFM fan?

15:33:46 15 A Yes, sir.

15:33:48 16 Q And did it have a stack on it?

15:33:50 17 A At that time when it was installed, it did

15:33:52 18 not have a stack, or if it had a stack, it was a

15:33:54 19 very short stack. I don't recall whether there was

15:33:56 20 a stack or not. I don't believe there was.

15:33:58 21 Q Well, was there a horizontal -- Shall we

15:34:00 22 call it a stack? A conduit that the fan discharged

15:34:02 23 out?

15:34:04 24 A As I recall, yes.

15:34:06 25 Q And did that discharge dust over into the

Page 220	Page
<p>15:34:24 1 service areas?</p> <p>15:34:26 2 A It could, yes.</p> <p>15:34:28 3 Q And what buildings were in the service</p> <p>15:34:28 4 areas?</p> <p>15:34:30 5 A Well, there were several buildings over</p> <p>15:34:30 6 there. The warehouse and the machine shop and the</p> <p>15:34:36 7 construction shop and the sheet metal shop and the</p> <p>15:34:40 8 garage and the offices up there. They were all in</p> <p>15:34:44 9 the service area.</p> <p>15:34:44 10 Q And were their workers in each of these</p> <p>15:34:48 11 buildings?</p> <p>15:34:48 12 A Generally, yes.</p> <p>15:34:48 13 Q And after this discharge at ground level</p> <p>15:35:00 14 was set up, could you see dust going into the</p> <p>15:35:00 15 service areas?</p> <p>15:35:02 16 A I don't recall that you could see dust</p> <p>15:35:04 17 going into them, no, sir, but I just don't remember</p> <p>15:35:10 18 seeing any dust going in.</p> <p>15:35:12 19 Q At this point did you know that this dust</p> <p>15:35:16 20 was 20 or perhaps even 30 percent asbestos?</p> <p>15:35:20 21 A No.</p> <p>15:35:20 22 MR. MURPHY: Objection. Lack of</p> <p>15:35:22 23 foundation.</p> <p>15:35:22 24 THE WITNESS: No. I didn't know what</p> <p>15:35:26 25 percentage of asbestos it would be.</p>	<p>15:36:24 1 A I don't know.</p> <p>15:36:26 2 Q You have no idea?</p> <p>15:36:28 3 A No.</p> <p>15:36:28 4 Q Were there arguments within management as</p> <p>15:36:32 5 to whether to spend money on this?</p> <p>15:36:32 6 A Yes, sir.</p> <p>15:36:40 7 Q Were you pushing the idea of spending</p> <p>15:36:40 8 money to have a vertical stack?</p> <p>15:36:42 9 A Yes, sir.</p> <p>15:36:42 10 Q Do you know who was opposed for it --</p> <p>15:36:44 11 opposed to it?</p> <p>15:36:46 12 A No. I don't remember specifically.</p> <p>15:36:54 13 Q The local management people in Libby, were</p> <p>15:36:58 14 they in favor of having a vertical stack?</p> <p>15:37:02 15 A I believe so, yes, sir.</p> <p>15:37:02 16 Q And did the opposition come from Grace</p> <p>15:37:04 17 executives in Massachusetts?</p> <p>15:37:06 18 A No. I think not.</p> <p>15:37:10 19 Q Where did it come from? Do you know?</p> <p>15:37:10 20 A It came from the people in Libby.</p> <p>15:37:14 21 Q Do you know what Mr. Bleich's position was</p> <p>15:37:14 22 on having a vertical stack?</p> <p>15:37:16 23 A I think he favored it.</p> <p>15:37:20 24 Q If he favored it and he was plant manager</p> <p>15:37:22 25 and you favored it and you're assistant manager, wh</p>
Page 221	Page
<p>15:35:26 1 BY MR. HEBERLING:</p> <p>15:35:28 2 Q Now, we've discussed various percentages</p> <p>15:35:30 3 for the airborne dust, and would those same</p> <p>15:35:34 4 percentages apply to the discharge from the ground</p> <p>15:35:40 5 level -- the ground level discharge from the 600</p> <p>15:35:42 6 fan?</p> <p>15:35:42 7 MR. MURPHY: Objection. Lack of</p> <p>15:35:44 8 foundation.</p> <p>15:35:46 9 BY MR. HEBERLING:</p> <p>15:35:46 10 Q And did you just nod your head?</p> <p>15:35:46 11 A I don't know, but it would be reasonable</p> <p>15:35:54 12 to think that the percentages would be similar.</p> <p>15:35:54 13 Q Okay. And that range was, what, 10 to</p> <p>15:35:58 14 30 percent?</p> <p>15:35:58 15 A Yes, sir. That was one of the figures</p> <p>15:36:04 16 that was used.</p> <p>15:36:04 17 Q Okay. Now, after you got this report in</p> <p>15:36:08 18 1964, do you recall any discussions of fixing the</p> <p>15:36:12 19 problem by using, instead of a horizontal stack, a</p> <p>15:36:16 20 vertical stack?</p> <p>15:36:16 21 A Yes.</p> <p>15:36:16 22 Q And what was the result of that?</p> <p>15:36:18 23 A We installed a vertical stack.</p> <p>15:36:20 24 Q And why did it take over three years to do</p> <p>15:36:24 25 that?</p>	<p>15:37:24 1 didn't it happen?</p> <p>15:37:24 2 A I don't know.</p> <p>15:37:30 3 Q In 1964 did -- Strike that. Do you know</p> <p>15:37:42 4 what position Mr. Kostic took on having a vert</p> <p>15:37:48 5 stack for that big fan?</p> <p>15:37:50 6 A No, I don't.</p> <p>15:37:52 7 Q Okay. Then on the same page of the '64</p> <p>15:38:08 8 report, No. 1, do you see where it says, "That a</p> <p>15:38:10 9 careful program of housekeeping be instituted:</p> <p>15:38:14 10 that (the) dust collected on rafters does not rea</p> <p>15:38:22 11 the subsidence point"? Do you see that?</p> <p>15:38:24 12 A Yes, sir.</p> <p>15:38:24 13 MR. GRAHAM: Let me do one thing, a</p> <p>15:38:24 14 then maybe it will keep me from interrupting.</p> <p>15:38:28 15 objecting to your form of examination by read</p> <p>15:38:30 16 question and then just saying, "See that?" and</p> <p>15:38:34 17 virtue of doing that, you're getting in hearsay</p> <p>15:38:38 18 testimony before the jury. That's what I'm</p> <p>15:38:42 19 objecting to, and the question I have is, Can I</p> <p>15:38:44 20 a continuing objection to that particular object</p> <p>15:38:48 21 to the form of the question so that I won't be</p> <p>15:38:50 22 interrupting you on that issue any longer?</p> <p>15:38:52 23 MR. HEBERLING: Yes, you may, and I</p> <p>15:38:54 24 understand the objection.</p> <p>15:38:56 25 MR. GRAHAM: Okay. We disagree on</p>

EARL D. LOVICK (VOL. 1)

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HURLBERT VS. W.R. GRACE

Page 224

Page 226

15:38:58 1 it.
 15:38:58 2 MR. HEBERLING: This exhibit will be
 15:39:00 3 in evidence.
 15:39:02 4 MR. GRAHAM: I understand.
 15:39:02 5 BY MR. HEBERLING:
 15:39:02 6 Q Okay. I was going to ask you, what does
 15:39:04 7 "The subsidence point" mean with regard to the dust
 15:39:08 8 on the rafters?
 15:39:24 9 A Where does it say that?
 15:39:26 10 Q Item 1.
 15:39:30 11 MR. MURPHY: Under "Conclusions".
 15:39:30 12 BY MR. HEBERLING:
 15:39:32 13 Q Under "Conclusions and Recommendations".
 15:39:54 14 A I don't know.
 15:39:54 15 Q Okay. Then it says, "Careful cleaning of
 15:39:58 16 the floors should be done on a sufficiently frequent
 15:40:02 17 and routine basis as to prevent dust from falling
 15:40:06 18 off the rafters or from collecting on the floor to
 15:40:08 19 such a degree that this dust is a contributor to the
 15:40:10 20 overall load generated by the machines." Do you see
 15:40:14 21 that?
 15:40:14 22 A Yes.
 15:40:14 23 Q And in the dry mill, if the floors were
 15:40:18 24 not to contribute to the overall load, that would
 15:40:22 25 require frequent cleaning, wouldn't it?

Page 225

15:40:24 1 A Yes.
 15:40:28 2 Q And at this point, in 1964, had a vacuum
 15:40:32 3 been purchased as yet?
 15:40:32 4 A I don't recall.
 15:40:40 5 Q Then No. 2 talks about putting in this
 15:40:44 6 additional fan by the first of September, '64?
 15:40:52 7 A Yes.
 15:40:52 8 Q Okay. And then at the cover page for the
 15:41:12 9 report, I don't see a "Confidential" sticker or
 15:41:26 10 stamp. Was this report also kept confidential by
 15:41:28 11 management?
 15:41:28 12 A I don't believe there's a cover page here,
 15:41:36 13 but I would say, yes, that it was kept confidential.
 15:41:40 14 Q And up to this point, had there been any
 15:41:42 15 notice to the employees regarding the dangers of
 15:41:44 16 inhaling asbestos?
 15:41:48 17 A No. Not specifically I don't believe, no,
 15:41:52 18 sir.
 15:41:58 19 Q Then please refer to Exhibit 54, and does
 15:41:58 20 this appear to be a "Report of Spirometry Tests,
 15:42:02 21 Libby Zonolite Employees" by Dr. Nelson?
 15:42:12 22 A Yes, sir.
 15:42:16 23 Q And did you receive this in Libby in 1964?
 15:42:28 24 A This -- I don't see Dr. Nelson's name on
 15:42:34 25 here anywhere.

15:42:34 1 Q Okay. We'll connect that up. There's a
 15:42:38 2 letter later where he refers to it.
 15:42:42 3 A Okay.
 15:42:42 4 Q I guess the current question is whether
 15:42:46 5 you received this report in 1964 at Zonolite.
 15:42:50 6 A Yes.
 15:42:52 7 Q And there's mention of pulmonary function
 15:43:00 8 tests here. What's your understanding as to what
 15:43:02 9 those are?
 15:43:04 10 A Well, they're pulmonary function tests of
 15:43:06 11 individual employees which were conducted by
 15:43:16 12 Dr. Nelson and his staff by spirometer readings.
 15:43:20 13 Q Okay. And that involved blowing into
 15:43:24 14 balloons and that sort of thing?
 15:43:28 15 A Blowing into a tube, not a balloon.
 15:43:28 16 Q Okay. Was Dr. Nelson hired by Grace to do
 15:43:48 17 this?
 15:43:48 18 A No, sir. He did this on his own.
 15:43:50 19 Q Was he paid for it?
 15:43:50 20 A No, sir. He never was paid.
 15:43:50 21 Q Now, on page two there's reference to
 15:43:52 22 x-rays on 140 employees. Was that the 1964 regular
 15:44:02 23 examination of employees, or did Dr. Nelson do a
 15:44:06 24 separate one?
 15:44:06 25 A It would have been from our program, and I

Page 227

15:44:20 1 don't know whether this would have been the 1964
 15:44:30 2 program or not, but on the heading of the paper, it
 15:44:34 3 says, "In May and June of 1964, spirometry
 15:44:40 4 measurements ... were carried out on 140 men
 15:44:46 5 employed at Zonolite in Libby." So there's every
 15:44:48 6 indication that that would have based on the 1964
 15:44:54 7 x-rays.
 15:44:54 8 Q Then at page two, under Item 2, do you see
 15:44:58 9 where it says, "30 employees of the 140 had definite
 15:45:04 10 pneumoconiotic changes on x-ray"?
 15:45:08 11 A Yes, sir.
 15:45:08 12 Q And is that, basically, the same as
 15:45:10 13 abnormal?
 15:45:12 14 MR. MURPHY: Objection. Lack of
 15:45:14 15 foundation. He's not a doctor.
 15:45:16 16 THE WITNESS: I don't know what
 15:45:18 17 "Abnormal" means.
 15:45:20 18 BY MR. HEBERLING:
 15:45:28 19 Q And then would such changes in your
 15:45:30 20 understanding include fibrosis?
 15:45:38 21 MR. MURPHY: Objection. Lack of
 15:45:38 22 foundation.
 15:45:46 23 THE WITNESS: Yes, it would include
 15:45:48 24 fibrosis, I would say.
 25 ////

Page 228

Pag

15:45:52 1 BY MR. HEBERLING:
 15:45:56 2 Q And then of the 30 abnormals or the 30
 15:46:04 3 with definite changes on x-ray, do you see where
 15:46:08 4 Dr. Nelson says, "Only four of the 30 men in the
 15:46:12 5 pneumoconiotic group had forced vital capacity of
 15:46:18 6 above 90 percent," meaning -- and is it your
 15:46:20 7 understanding that that's -- above 90 percent would
 15:46:22 8 be normal?
 15:46:24 9 A I don't see that.
 15:46:32 10 Q Let's go back to the first page, then.
 15:46:38 11 Four lines up from the bottom, do you see where it
 15:46:42 12 says, "FVC percentage and FEV1 percentage of less
 15:46:46 13 than 90 percent was considered probably abnormal"?
 15:46:52 14 A Yes, I see that.
 15:46:58 15 Q Okay. So we have a group of 30 men with
 15:47:02 16 definite changes, and out of that 30 only four had
 15:47:14 17 normal pulmonary function tests? Do you see that?
 15:47:14 18 A Yes, sir.
 15:47:16 19 MR. MURPHY: Well, I object. You
 15:47:18 20 made the statement and asked him, Did you see that?
 15:47:20 21 and the statement that you made doesn't appear
 15:47:22 22 anywhere in this document.
 15:47:24 23 MR. HEBERLING: Okay. I'll rephrase
 15:47:24 24 the question.
 25 ////

Page 229

Pag

15:47:26 1 BY MR. HEBERLING:
 15:47:28 2 Q Did you understand that as what the doctor
 15:47:32 3 is saying here?
 15:47:34 4 MR. GRAHAM: I'll still object on the
 15:47:38 5 basis that "Probably abnormal" doesn't mean
 15:47:44 6 abnormal, and there might be normal -- Anyway, the
 15:47:46 7 language is vague and ambiguous and undefined.
 15:47:50 8 Go ahead and answer it if you can, Earl.
 15:47:52 9 MR. MURPHY: Frankly, I'm lost, so I
 15:47:56 10 don't know where the witness might be. Could we
 15:47:58 11 hear the question he's supposed to answer now,
 15:47:58 12 please?
 15:48:00 13 MR. HEBERLING: May I have a
 15:48:02 14 continuing objection to having two attorneys object
 15:48:04 15 at a deposition?
 15:48:04 16 MR. GRAHAM: We're representing
 15:48:06 17 different people.
 15:48:08 18 MR. MURPHY: Of course you can, but
 15:48:14 19 it's not unusual, and it's been my experience, when
 15:48:16 20 you are suing a corporation and you have a witness,
 15:48:20 21 that the corporation be represented and the witness
 15:48:24 22 be represented by different people. It's not an
 15:48:26 23 uncommon event, but, anyway, you made your
 15:48:28 24 objection.
 15:48:28 25 MR. HEBERLING: The point is that the

15:48:30 1 corporation is paying for both lawyers.
 15:48:30 2 MR. MURPHY: That doesn't have
 15:48:32 3 anything to do with it, but rather than waste more
 15:48:34 4 time debating among ourselves, my point simply w
 15:48:36 5 Could I hear the question?
 15:48:36 6 THE REPORTER: I can go back and
 15:48:36 7 look.
 15:48:38 8 MR. HEBERLING: I'll restate it, if
 15:48:38 9 that's easier.
 15:48:38 10 THE REPORTER: It went up off my
 15:48:38 11 screen.
 15:48:50 12 BY MR. HEBERLING:
 15:48:52 13 Q We went through the percentages, and was
 15:48:54 14 it -- And then I asked, Did you see that? There we
 15:48:58 15 an objection, and then I followed by saying, Was
 15:49:02 16 that your understanding? meaning that there were
 15:49:06 17 only four of the 30 men in the pneumoconiotic gro
 15:49:10 18 which had normal pulmonary function tests.
 15:49:12 19 MR. GRAHAM: I still have the same
 15:49:14 20 objection as I made to the earlier question.
 15:49:16 21 THE WITNESS: Well, four of the men
 15:49:24 22 in that group had above 90 percent of standard, bu
 15:49:30 23 those 30 were also included in the 140 people, so
 15:49:34 24 you could say that only four of the 140 people
 15:49:34 25 involved had -- 26 of the 140 had less than

15:50:02 1 standard, 90 percent.
 15:50:02 2 BY MR. HEBERLING:
 15:50:04 3 Q Okay. And that's your understanding?
 15:50:04 4 A Yes.
 15:50:08 5 Q Now let's read the next sentence. "Only
 15:50:20 6 three of" -- Let's see. I guess we aren't told for
 15:50:24 7 the other group, the 110, how many had abnormal
 15:50:26 8 pulmonary function tests. Do you see any indicat
 15:50:30 9 of how many from that group are abnormals?
 15:50:46 10 A I read this as -- on the non-
 15:50:50 11 pneumoconiotic group, that 90 percent of the 110
 15:51:04 12 employees were standard or above.
 15:51:08 13 Q Well, is it possible that that's an
 15:51:08 14 average?
 15:51:10 15 MR. MURPHY: Objection to the form of
 15:51:10 16 the question.
 15:51:10 17 BY MR. HEBERLING:
 15:51:12 18 Q I don't think we'll resolve this here. We
 15:51:14 19 don't need to --
 15:51:16 20 A I don't think "Average" means anything.
 15:51:22 21 Q Okay. Then at the bottom of page two, do
 15:51:24 22 you see where the doctor says, "I would conclude
 15:51:26 23 that a serious hazard for pneumoconiosis exists to
 15:51:26 24 the employees at Libby"? Do you see that?
 15:51:40 25 A Yes.

Page 232

Page 234

15:51:42 1 Q Did Grace dispute that conclusion?
 15:51:46 2 A Not that I recall, no.
 15:52:06 3 Q And the version of this report that we
 15:52:10 4 have as Exhibit 54 is two pages. At past
 15:52:14 5 depositions or at any other time, have you seen a
 15:52:16 6 longer version of this report, particularly
 15:52:16 7 attaching names of workers?
 15:52:18 8 A Not that I recall.
 15:52:42 9 Q And after receiving this report, did Grace
 15:52:42 10 do anything to notify the 26 workers who were
 15:52:44 11 abnormal on both the x-rays and the pulmonary
 15:52:44 12 function test?
 15:52:44 13 A Well, they were notified as to what the
 15:52:46 14 results of their tests were.
 15:52:48 15 Q Do you know that? Do you have personal
 15:52:50 16 knowledge that each one of the 26 was notified?
 15:52:56 17 A Well, I guess I don't have personal
 15:53:00 18 knowledge that every one of them were, but it would
 15:53:00 19 be my belief that they were.
 15:53:02 20 Q And is your belief -- Is it your belief
 15:53:06 21 based upon the notice by sending the copies to the
 15:53:08 22 family doctors?
 15:53:08 23 A Yes, sir.
 15:53:10 24 Q Through that procedure?
 15:53:10 25 A Yes, sir.

Page 233

15:53:16 1 Q Okay. Was there any attempt to move these
 15:53:24 2 26 to jobs with less asbestos exposure?
 15:53:24 3 A No, sir.
 15:53:32 4 Q Then let's refer to Exhibit 55. Does this
 15:53:36 5 appear to be a letter of Ben Wake to Robert Vinion
 15:53:40 6 dated June 30, '64?
 15:53:40 7 A Yes, sir.
 15:53:42 8 Q Did you receive that in Libby in
 15:53:44 9 June 19 -- well, in July 1964?
 15:53:46 10 A Yes, sir.
 15:53:54 11 Q Then let's refer to Exhibit 56, and does
 15:53:58 12 this appear to be a letter of Dr. Nelson to Joseph
 15:54:02 13 Kelley, president of Zonolite, dated August 25,
 15:54:04 14 1964?
 15:54:04 15 A Yes, sir.
 15:54:08 16 Q And did you receive this in Libby in
 15:54:10 17 August 1964?
 15:54:12 18 A I don't know.
 15:54:16 19 Q Is it probable?
 15:54:16 20 A I don't know.
 15:54:22 21 Q Have you seen this before?
 15:54:26 22 A Yes, I have, but I don't know when I saw
 15:54:26 23 it the first time.
 15:54:36 24 Q Do you recall a follow-up effort by
 15:54:46 25 Dr. Nelson to do a further study of the workers at

15:54:52 1 Libby who had abnormal chest x-rays or pulmonary
 15:54:54 2 function tests?
 15:55:02 3 A Well, I recall -- I recall Dr. Nelson
 15:55:10 4 proposing that further studies be done on -- I think
 15:55:14 5 on all employees in Libby. I don't think it would
 15:55:18 6 have been confined to only the people with pulmonary
 15:55:26 7 problems or spirometer problems, but I'm not certain
 15:55:26 8 of that.
 15:55:48 9 Q Were you consulted by Mr. Kelley or
 15:55:50 10 somebody from the Chicago office with regard to
 15:55:56 11 Dr. Nelson's efforts to set up a further study?
 15:56:04 12 A I don't recall that I was, no, sir.
 15:56:06 13 Q Do you recall a meeting regarding
 15:56:14 14 Dr. Nelson's findings where the consensus of local
 15:56:18 15 medical opinion was that an important increased
 15:56:24 16 incidence of chronic respiratory diseases existed in
 15:56:26 17 Zonolite employees?
 15:56:28 18 A No, I don't recall such a meeting.
 15:56:44 19 Q Is Joseph Kelley still alive?
 15:56:46 20 A No, sir.
 15:57:14 21 Q Do you recall Dr. Nelson suggesting and
 15:57:20 22 offering to carry out a further study of lung
 15:57:22 23 function on the employees?
 15:57:26 24 A Yes, but -- I do, but I don't recall when
 15:57:30 25 I first heard of this. I don't remember if it was

Page 235

15:57:34 1 at the time or somewhat later that I heard about it,
 15:57:36 2 but I do recall him offering to do this.
 15:57:44 3 Q Were you aware of an offer by Dr. Nelson
 15:57:48 4 to do this work in Chicago without pay but with
 15:57:52 5 expenses for the work paid by Grace?
 15:57:56 6 A Yes. That's what I recall.
 15:57:58 7 MR. GRAHAM: Including the loss --
 15:58:02 8 income lost for the time involved?
 15:58:02 9 BY MR. HEBERLING:
 15:58:06 10 Q Was Dr. -- Is it your understanding that
 15:58:08 11 Dr. Nelson was asking for some compensation for his
 15:58:08 12 time?
 15:58:16 13 A Well, when he proposed -- When he proposed
 15:58:20 14 following this up, he stated that he would have to
 15:58:22 15 go for additional training and he should be
 15:58:26 16 compensated for loss of income during the period
 15:58:30 17 that he was away from his practice. So I don't know
 15:58:32 18 if you define that as compensation or not, but that
 15:58:34 19 was what his proposal was.
 15:58:48 20 Q Let's refer to Exhibit 57, and does this
 15:58:52 21 appear to be a letter by Dr. Nelson to -- No. A
 15:59:00 22 letter from F.W. Rupp, treasurer, to Dr. Nelson?
 15:59:02 23 A Yes, sir.
 15:59:12 24 Q And is it likely that this was dated 1964
 15:59:16 25 based on the content of the letter?

Page 236

15:59:18 1 A Yes, sir.
 15:59:26 2 Q Who was -- Let's see. I think I asked who
 15:59:28 3 Mr. Rupp was. You explained that he was the
 15:59:30 4 treasurer of the company?
 15:59:30 5 A Who?
 15:59:32 6 Q Mr. Rupp was the treasurer of the company?
 15:59:40 7 A Yes. Yes. Yes.
 15:59:44 8 Q Did you see this letter at Libby at
 15:59:46 9 Zonolite in 1964?
 15:59:46 10 A I don't recall.
 15:59:50 11 Q Now, Maryland Casualty Company is referred
 15:59:54 12 to here. Was that Zonolite's insurance company?
 15:59:58 13 A Yes. They handled our industrial
 16:00:00 14 accident -- industrialization insurance.
 16:00:14 15 Q And do you recall Dr. Nelson's proposal
 16:00:14 16 for further work being referred to the insurance
 16:00:14 17 company?
 16:00:14 18 A No, I don't recall.
 16:00:18 19 Q You didn't have anything to do with that
 16:00:18 20 part of it?
 16:00:18 21 A No. No.
 16:00:46 22 Q Let's refer to Exhibit 61. Does this
 16:00:48 23 appear to be a letter by Dr. Nelson dated
 16:00:56 24 November 20, 1964 to Mr. Kelley, Zonolite executive?
 16:00:58 25 A Yes, sir.

Page 237

16:01:00 1 Q And did you see this letter in Libby in
 16:01:02 2 1964?
 16:01:04 3 A I don't recall. I don't recall whether I
 16:01:04 4 did or not.
 16:01:08 5 Q Is it your recollection that you were not
 16:01:12 6 copied in on this correspondence with Dr. Nelson?
 16:01:16 7 A Yes. That's a true statement. I don't
 16:01:18 8 recall being copied in.
 16:01:20 9 Q And do you recall discussing Dr. Nelson's
 16:01:24 10 proposal with him in '64?
 16:01:28 11 A No, I don't recall.
 16:01:32 12 Q Do you recall Dr. Nelson recommending
 16:01:34 13 Dr. Thatcher Hubbard of Spokane as being qualified
 16:01:40 14 to do the study?
 16:01:42 15 A Yes, sir. I've seen this letter somewhere
 16:01:44 16 at some time, and I don't remember what point in
 16:01:46 17 time it was. I don't remember whether it was then
 16:01:48 18 or whether it would have been in connection with
 16:01:48 19 some of these depositions.
 16:01:58 20 Q Then let's refer to Exhibit 62, and does
 16:02:02 21 this appear to be a memo from George Blackwood to
 16:02:04 22 J.A. Kelley?
 16:02:04 23 A Yes, sir.
 16:02:12 24 Q And who was Mr. Blackwood in 1964?
 16:02:14 25 A He was president of Dewey-Almy Chemical

Page

16:02:18 1 Division of which our Grace operations were a part
 16:02:18 2 of.
 16:02:22 3 Q So was he further up the chain of command
 16:02:22 4 than Mr. Kelley?
 16:02:24 5 A Yes, sir.
 16:02:28 6 Q Did you receive this memorandum, a copy of
 16:02:30 7 it, in Libby in 1964?
 16:02:32 8 A I doubt it very much.
 16:02:34 9 Q Do you recall inquiries by the Grace
 16:02:36 10 executives as to why Dr. Nelson was making these
 16:02:38 11 proposals?
 16:02:40 12 A No, sir, I don't.
 16:02:42 13 Q Okay. Let's go back to Exhibit 58. Does
 16:02:44 14 this appear to be -- Well, let me ask one further
 16:02:46 15 question. Whatever became of Dr. Nelson's propos
 16:02:48 16 for a further study of the Libby employees in 1964,
 16:02:50 17 '65?
 16:02:52 18 A I don't know whatever happened to it, but
 16:02:54 19 it was never done.
 16:02:56 20 Q Do you know why it wasn't ever done?
 16:02:58 21 A No.
 16:03:00 22 Q Does Exhibit 58 appear to be a letter from
 16:03:02 23 Ben Wake of the State of Montana Board of Health
 16:03:04 24 Mr. Bleich, manager, Zonolite, dated October 2, '64
 16:03:06 25 A Yes, sir.

Page

16:04:18 1 Q Did you receive that in Libby in October
 16:04:20 2 '64?
 16:04:22 3 A Yes, sir.
 16:04:24 4 Q Okay. Then on page one do you see wh
 16:04:26 5 four samples were taken of the air in the dry n
 16:04:28 6 A Yes.
 16:04:30 7 Q And does it appear that two of them wer
 16:04:32 8 over the standard?
 16:04:34 9 A Yes, sir.
 16:04:36 10 Q Then on page two, at the bottom, do you
 16:04:38 11 see where it says, "It was further noted that th
 16:04:40 12 dust discharged at ground level from the main
 16:04:42 13 collection fan was continuously contaminating
 16:04:44 14 whole plant work area and needs to be raised
 16:04:46 15 substantially so that the dust-laden air dischar
 16:04:48 16 substantially above the plant area or that clear
 16:04:50 17 be provided"? Do you see that?
 16:04:52 18 A Yes, sir.
 16:04:54 19 Q Now, is this the same problem of groun
 16:04:56 20 level discharge that we discussed before?
 16:04:58 21 A Yes, sir.
 16:05:00 22 Q Then on page two is there a list of dust
 16:05:02 23 producers with particular machine numbers a
 16:05:04 24 forth? Do you see that?
 16:05:06 25 A Yes.

EARL D. LOVICK (VOL. 1)

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HURLBERT VS. W.R. GRACE

Page 240

Page 242

16:05:56 1 Q Then let's refer to Exhibit 59. Does that
 16:05:58 2 appear to be an excerpt from a newspaper article?
 16:06:02 3 A Yes, sir, it appears to be a copy of a --
 16:06:06 4 Q Was this sent to you in Libby in 1964?
 16:06:08 5 A I believe not. It was sent to -- It was
 16:06:12 6 sent to R.A. Bleich, but I don't ever remember
 16:06:14 7 seeing it.
 16:06:20 8 Q If it was sent to R.A. Bleich, is it
 16:06:22 9 likely that it arrived and was received by him?
 16:06:30 10 A Yes.
 16:06:32 11 MR. MURPHY: Could we take a very
 16:06:34 12 short break?
 16:06:34 13 MR. HEBERLING: Sure.
 16:06:36 14 MR. MURPHY: We've been going about
 16:06:38 15 an hour and twenty minutes.
 16:06:40 16 THE VIDEOGRAPHER: Going off the
 16:06:40 17 record at 4:06.
 16:06:46 18 (Brief recess.)
 16:14:38 19 THE VIDEOGRAPHER: We're back on the
 16:14:42 20 record approximately 4:14.
 16:14:44 21 BY MR. HEBERLING:
 16:14:58 22 Q Let's refer to Exhibit 60, and does this
 16:15:02 23 appear to be a letter from Mr. Park of the insurance
 16:15:06 24 company to W.R. Grace dated November 5, 1964?
 16:15:14 25 A Yes.

Page 241

16:15:16 1 Q And I'll represent to you that it's
 16:15:24 2 difficult to read, but it relates to respirators,
 16:15:32 3 and it refers to Wilders, Kentucky. Do you see
 16:15:32 4 that?
 16:15:32 5 A Yes.
 16:15:36 6 Q Did you receive this or a similar letter
 16:15:36 7 relating to Libby --
 16:15:38 8 A No.
 16:15:40 9 Q -- and the use of respirators?
 16:15:42 10 A No. Not that I recall.
 16:16:04 11 Q And let's refer to Exhibit 63, and does
 16:16:06 12 this appear to be a letter of Mr. Park of the
 16:16:10 13 insurance company, once again, to W.R. Grace, again,
 16:16:14 14 relating to Wilders, Kentucky and respirators?
 16:16:16 15 A Yes.
 16:16:20 16 Q Did you receive this or a similar letter
 16:16:24 17 relating to use of respirators in Libby in 1964,
 16:16:26 18 '65, early '65?
 16:16:28 19 A Not that I recall. I believe not.
 16:16:40 20 Q Do you recall receiving any kind of
 16:16:40 21 indication of a respirator program from the
 16:16:40 22 insurance company, say, in early '65?
 16:16:42 23 A No, sir.
 16:17:02 24 Q Then let's refer to Exhibit 65. Does this
 16:17:04 25 appear to be a memo from Mr. Bleich to Mr. Kelley

16:17:06 1 relating to dust control at Libby?
 16:17:08 2 A Yes, sir.
 16:17:12 3 Q Did you see this memo in Libby at or about
 16:17:14 4 its date?
 16:17:14 5 A I believe so, yes, sir.
 16:17:18 6 Q Okay. Paragraph one on the first page,
 16:17:22 7 there's mention of a Joy Drillmobile. What was
 16:17:24 8 that?
 16:17:26 9 A It was a machine that was used in the mine
 16:17:32 10 to drill holes for blasting.
 16:17:36 11 Q And how long -- Up until what time was it
 16:17:36 12 used?
 16:17:46 13 A I don't recall the --
 16:17:50 14 Q Did this rotary drill replace the
 16:17:54 15 Joy Drillmobile?
 16:17:54 16 A Yes.
 16:18:00 17 Q Paragraph two on the first page, there's
 16:18:12 18 mention of road dust and mention that the use of --
 16:18:14 19 Was it your understanding that the use of water on
 16:18:18 20 the roads at the mine was not a sufficient dust
 16:18:20 21 control?
 16:18:22 22 A Well, yes.
 16:18:26 23 Q And then you started oiling the roads?
 16:18:28 24 A Yes, sir.
 16:18:30 25 Q And did that provide better control?

Page 243

16:18:32 1 A Yes, sir.
 16:18:36 2 Q Could you still see dust as the trucks
 16:18:40 3 came down the roads, generally, in dry days?
 16:18:48 4 A At times, yes.
 16:18:52 5 The water, of course, evaporated very
 16:18:54 6 fast, and the oil was longer lasting. That's why it
 16:18:56 7 would make a difference.
 16:19:04 8 Q And were you aware in the '60s that dust
 16:19:10 9 on the roads would include some asbestos dust?
 16:19:10 10 A Yes, sir.
 16:19:16 11 Q And would that be from ore falling off the
 16:19:16 12 trucks?
 16:19:20 13 A Well, the roads were right over the --
 16:19:22 14 right over the pit itself, right -- the material
 16:19:28 15 that was being mined, and so it would -- The
 16:19:32 16 asbestos found in the mine would also be where the
 16:19:34 17 roads were.
 16:19:38 18 Q And is it likely that there was some
 16:19:40 19 asbestos in the dust on the road down to the river
 16:19:40 20 as well?
 16:19:48 21 A It's very possible there could have been
 16:19:52 22 some asbestos in that dust, yes.
 16:19:54 23 Q Then paragraph three on the first page, it
 16:19:56 24 says, "The actual digging and loading is no
 16:20:02 25 problem." Did you agree with that statement when it

Page 244

16:20:04 1 was made?
 16:20:04 2 A Yes, sir.
 16:20:08 3 Q So you agreed that there was really no
 16:20:12 4 problem as to digging and loading as far as creating
 16:20:12 5 dust?
 16:20:12 6 A Yes, sir.
 16:20:16 7 Q Isn't it true that when the ore is loaded
 16:20:20 8 into the trucks dust is created?
 16:20:24 9 A Not in the mine, no, sir. Not generally,
 16:20:28 10 because it states here that that ore is always
 16:20:30 11 slightly damp.
 16:20:34 12 Q And when the trucks were dumped at the
 16:20:38 13 transfer point, was there dust then?
 16:20:38 14 A Very little.
 16:20:58 15 Q If there's ore by the transfer point and a
 16:21:04 16 worker watching how the truck is dumping at the
 16:21:06 17 transfer point -- Can you envision that?
 16:21:08 18 A Uh-huh.
 16:21:10 19 Q Okay. Under those circumstances would the
 16:21:16 20 worker be standing in some asbestos dust?
 16:21:16 21 A Very possibly --
 16:21:18 22 MR. MURPHY: Objection. Your
 16:21:20 23 question is hypothetical.
 16:21:22 24 THE WITNESS: Very possibly the
 16:21:24 25 ground that he was standing on could contain

Page 245

16:21:30 1 asbestos, but as far as standing in asbestos dust, I
 16:21:34 2 don't know whether that would be true.
 16:21:44 3 BY MR. HEBERLING:
 16:21:50 4 Q Then still on page one, it says, The
 16:21:52 5 Mill. "The dust problem in the mill is entirely
 16:22:00 6 concentrated in the dry mill." Did you agree with
 16:22:02 7 that statement?
 16:22:02 8 A Yes, sir.
 16:22:08 9 Q And does that mean that there was no dust
 16:22:10 10 problem in the wet mill or the mill feed bins?
 16:22:12 11 A Yes, sir.
 16:22:14 12 Q You considered that there was no problem
 16:22:14 13 in the wet mill?
 16:22:14 14 A Yes, sir.
 16:22:18 15 Q And there were no dusty areas in the wet
 16:22:18 16 mill?
 16:22:18 17 A No, sir.
 16:22:22 18 Q If workers testify -- workers who worked
 16:22:24 19 in there in the '60s testified that there were --
 16:22:28 20 there was dust in the wet mill, would you dispute
 16:22:28 21 that?
 16:22:30 22 MR. MURPHY: Objection.
 16:22:30 23 Hypothetical.
 16:22:32 24 THE WITNESS: I'd have to hear their
 16:22:36 25 testimony as to where the dust was supposed to have

Page 246

16:22:36 1 been.
 16:22:36 2 BY MR. HEBERLING:
 16:22:38 3 Q Was there mist in the wet mill?
 16:22:40 4 A Yes, sir.
 16:22:42 5 Q And is it likely that that mist contained
 16:22:46 6 asbestos dust or asbestos particles?
 16:22:50 7 MR. MURPHY: Which? Objection.
 16:22:52 8 Compound.
 16:22:52 9 THE WITNESS: I don't know.
 16:23:04 10 BY MR. HEBERLING:
 16:23:06 11 Q And as to the mill feed bins, was there
 16:23:08 12 some dust created there?
 16:23:10 13 A No. I would say generally not.
 16:23:22 14 Q So based on what you know today, would
 16:23:24 15 you -- is it your position that there was really no
 16:23:30 16 problem with the mill feed bins or the wet mill?
 16:23:32 17 MR. GRAHAM: Objection. Asked and
 16:23:32 18 answered.
 16:23:34 19 THE WITNESS: Yeah. I've stated
 16:23:36 20 that. I don't think there was a problem there.
 16:23:40 21 BY MR. HEBERLING:
 16:23:46 22 Q Now, in the last paragraph on page one,
 16:23:50 23 Mr. Bleich goes through the number of fans and the
 16:23:54 24 exhaust capacity for the dry mill. Do you see that?
 16:23:54 25 A Yes.

Page 247

16:24:04 1 Q There's 8,000, 12,000, 15,000, 40,000, and
 16:24:08 2 if we add those up, that would be 75,000 cubic feet
 16:24:12 3 per minute total ventilating capacity for the dry
 16:24:12 4 mill?
 16:24:12 5 A Yes.
 16:24:16 6 Q To your knowledge was that a correct
 16:24:18 7 statement of the ventilating capacity at the time?
 16:24:20 8 A Yes, I believe so.
 16:24:30 9 Q And did this 75,000 ventilating capacity
 16:24:34 10 remain the same up until the dry mill closed?
 16:24:42 11 A I believe it would have, basically,
 16:24:44 12 remained the same, yes.
 16:24:54 13 Q Then page two, paragraph two, the second
 16:24:58 14 sentence, do you see where it says, "However, in no
 16:25:00 15 instance" --
 16:25:00 16 A Excuse me. I'm sorry.
 16:25:02 17 MR. MURPHY: I don't have a
 16:25:02 18 page two.
 16:25:04 19 THE WITNESS: I don't have a
 16:25:04 20 page two.
 16:25:08 21 MR. GRAHAM: I think what happened is
 16:25:10 22 that they are not in the right order. If you go
 16:25:10 23 back --
 16:25:10 24 MR. HEBERLING: Let's go off the
 16:25:14 25 record. We have an exhibit problem.

EARL D. LOVICK (VOL. 1)

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HURLBERT VS. W.R. GRACE

Page 248

Page 250

16:25:16 1 THE VIDEOGRAPHER: We're going off
 16:25:16 2 the record at 4:24.
 16:26:28 3 (Discussion off the record.)
 16:26:28 4 THE VIDEOGRAPHER: Back on the record
 16:26:30 5 at 4:26.
 16:26:30 6 BY MR. HEBERLING:
 16:26:36 7 Q Okay. We've fixed the exhibit problem,
 16:26:38 8 and at page two of Exhibit 65, do you see where it
 16:26:40 9 says in Mr. Bleich's report on dust control,
 16:26:44 10 "However, in no instance has there actually been a
 16:26:48 11 surplus of fan capacity so that an increase of
 16:26:52 12 airflow throughout each individual system as a whole
 16:26:54 13 could be made"? Do you see that?
 16:26:54 14 A Yes.
 16:27:02 15 Q So was it your understanding that there
 16:27:06 16 was no excess fan capacity in the ventilating system
 16:27:08 17 in the dry mill?
 16:27:10 18 A Yes, sir. That's what this indicates.
 16:27:18 19 Q So if that is so, why wasn't more fan
 16:27:20 20 capacity added? Was that ever considered?
 16:27:22 21 Excuse me. That's two questions. Answer
 16:27:34 22 the first one.
 16:27:34 23 A I don't know.
 16:27:38 24 Q Do you remember discussions through the
 16:27:32 25 '60s and up until the time of the closing of the

16:28:44 1 effectiveness by leaks in flexible connections,
 16:28:48 2 holes in elevator casings, open hand holes and
 16:28:50 3 chutes, et cetera." Do you see that?
 16:28:50 4 A Yes.
 16:28:54 5 Q Were some of those holes cut to free rocks
 16:28:56 6 that got stuck in the system?
 16:29:00 7 A Not to my knowledge, no, sir.
 16:29:04 8 Q What was an open hand hole?
 16:29:06 9 A I don't know.
 16:29:10 10 Q What was Mr. Bleich's background?
 16:29:12 11 A He was an engineer.
 16:29:12 12 Q Do you know what kind?
 16:29:16 13 A Mechanical, I believe.
 16:29:34 14 Q Was this problem of leaks and holes in the
 16:29:38 15 areas referenced in the sentence I just read -- Was
 16:29:42 16 that a continuing problem at the dry mill?
 16:29:44 17 A Yes.
 16:29:46 18 Q Was it ever completely solved?
 16:29:56 19 A No. It would be solved only by continuing
 16:29:58 20 maintenance of the equipment, which is what was
 16:29:58 21 done.
 16:30:04 22 Q I'm wondering why each of these reports
 16:30:08 23 seems to find leaks and holes.
 16:30:08 24 A I don't know.
 16:30:30 25 Q Okay. Then Item 1 on page two talks about

Page 249

Page 251

16:27:36 1 dry mill of possibly adding more fans or larger
 16:27:36 2 fans?
 16:27:40 3 A No, sir. I don't remember any such
 16:27:40 4 discussions.
 16:27:46 5 Q From '68 to '71, when you were general
 16:27:50 6 manager, you would likely have been in on any such
 16:27:52 7 discussion; correct?
 16:27:54 8 A Probably.
 16:27:58 9 Q And if money was going to be spent on a
 16:28:02 10 large fan in any other year, you would have been
 16:28:06 11 involved in a decision to spend that money; correct?
 16:28:08 12 A Yes, sir.
 16:28:10 13 MR. GRAHAM: Objection. Vague and
 16:28:12 14 ambiguous as to time and date.
 16:28:12 15 THE WITNESS: Yes, sir.
 16:28:14 16 BY MR. HEBERLING:
 16:28:16 17 Q And in the question I was referring to in
 16:28:20 18 any other year from 1964 to '74, when the dry mill
 16:28:22 19 was closed.
 16:28:22 20 A Yes.
 16:28:24 21 Q Did you understand that?
 16:28:24 22 A Yes.
 16:28:36 23 Q Okay. Then in the same paragraph two, it
 16:28:38 24 says, "Another factor contributing to the
 16:28:40 25 inefficiency of the system has been the loss of air

16:30:32 1 the ground level discharge, and it says, "An
 16:30:38 2 excessive amount of dust and larger particles are
 16:30:40 3 being discharged from the fan outlet which adds to
 16:30:44 4 the air pollution within the general shop and
 16:30:46 5 service area." Do you see that?
 16:30:46 6 A Yes, sir.
 16:30:50 7 Q And this is that ground level discharge
 16:30:50 8 from the big 600 fan?
 16:30:52 9 A Yes.
 16:30:54 10 Q Do you recall any discussion with Grace
 16:31:02 11 executives over fixing this problem at this point
 16:31:02 12 when this memo was done?
 16:31:04 13 A No, sir.
 16:31:54 14 Q And on page three of the memo, Item 4, do
 16:31:58 15 you see a discussion of the buildup of dust on
 16:32:02 16 rafters and so forth?
 16:32:04 17 A Yes, sir.
 16:32:08 18 Q And then at the end it says, "A monthly
 16:32:14 19 'Sweepdown' interval is now effect." Do you see
 16:32:14 20 that?
 16:32:14 21 A Yes, sir.
 16:32:16 22 Q Do you know when that went into effect?
 16:32:18 23 A Well, it would have been prior to the
 16:32:20 24 writing of this letter, but I don't know exactly
 16:32:22 25 when it would have been.

HURLBERT VS. W.R. GRACE**CondenseIt!™****EARL D. LOVICK (VOL. 1)**

Page 252

16:32:24 1 Q The same year, in '64?
 16:32:24 2 A Probably, yes.
 16:32:28 3 Q What was the sweepdown interval before
 16:32:28 4 that?
 16:32:30 5 A Well, they didn't -- When this was put
 16:32:32 6 into effect, it was on a regular basis, and they
 16:32:34 7 didn't have one on a regular basis prior to that.
 16:32:40 8 Q Okay. And what is a sweepdown? Would you
 16:32:42 9 describe what happened during a sweepdown?
 16:32:46 10 A They would sweep the dust off of the top
 16:32:50 11 of the rafters where it had settled.
 16:32:52 12 Q And was there a sweep of the floors at the
 16:32:52 13 same time?
 16:32:56 14 A Yes, sir. The dust that was swept off of
 16:32:58 15 the rafters would have to be cleaned up.
 16:33:02 16 Q And was this done at a time when the mill
 16:33:04 17 was closed?
 16:33:06 18 A No. It would have been ongoing.
 16:33:12 19 Q So it might be done while the mill was
 16:33:12 20 running?
 16:33:12 21 A That's possible, yes.
 16:33:14 22 Q Was it sometimes done on a Sunday --
 16:33:14 23 A Yes.
 16:33:14 24 Q -- when the mill was not open?
 16:33:20 25 A Yes. It could have been done on a

Page 253

16:33:22 1 Saturday or Sunday, when the mill was not running.
 16:33:26 2 Q And you recall it happening on weekends at
 16:33:26 3 times?
 16:33:30 4 A Well, I don't recall, but we always had
 16:33:34 5 maintenance crews on duty during periods when the
 16:33:40 6 mill was not running, so it's a strong likelihood
 16:33:40 7 that it would have been done then.
 16:33:44 8 Q How long did this monthly sweepdown
 16:33:48 9 interval continue after '64?
 16:33:50 10 A I think forever probably.
 16:33:54 11 Q Was it ever more frequent than that?
 16:33:54 12 A I don't know. I don't recall.
 16:34:12 13 Q Was there any reason why the sweepdown
 16:34:12 14 couldn't have been done every Sunday when the mill
 16:34:14 15 was closed?
 16:34:14 16 A No.
 16:34:24 17 Q Item 5 on page three talks about, "A dust
 16:34:30 18 count apparatus identical (to) that used by the
 16:34:32 19 State Board of Health is on hand." As of the end of
 16:34:34 20 '64, had the company begun its own dust counts?
 16:34:40 21 A Yes, sir.
 16:34:46 22 Q Okay. I think you reported in a later
 16:34:50 23 summary that the dust counts began in 1965. Is that
 16:34:50 24 correct?
 16:34:52 25 A I don't know. I don't recall.

Page 254

16:35:26 1 Q I'm now showing you Exhibit 192, which we
 16:35:28 2 looked at before. Does that appear to be a memo
 16:35:34 3 from you to Mr. Eschenbach dated November 18, 1980?
 16:35:36 4 A Yes.
 16:35:42 5 Q And were you the author of that memo?
 16:35:42 6 A Yes.
 16:35:50 7 Q Then do you see where it states, "We
 16:35:52 8 started sampling with the impinger method in about
 16:35:54 9 1965"?
 16:35:54 10 A Yes.
 16:35:58 11 Q Did you sample by any other method before
 16:36:06 12 1965, or was that the first sampling that was done?
 16:36:08 13 MR. GRAHAM: I'd object to the form
 16:36:10 14 of the question in that the question -- the
 16:36:14 15 predicate to the question is the statement you just
 16:36:18 16 read, and it said "About 1965".
 16:36:20 17 Go ahead and answer the question if you
 16:36:20 18 can.
 16:36:22 19 THE WITNESS: No. The impinger
 16:36:26 20 method was the first method that we used, and if I
 16:36:30 21 said that we started in 1965, that must have been an
 16:36:34 22 error, because this letter, which is dated
 16:36:38 23 December 30th, 1964, it said that that testing
 16:36:46 24 program was in effect at that time.
 16:36:46 25 /////

Page 255

16:36:46 1 BY MR. HEBERLING:
 16:36:48 2 Q So you could have started a few months
 16:36:50 3 before the beginning of '65?
 16:36:50 4 A Yes, sir.
 16:37:06 5 Q And on page four, paragraph one, under
 16:37:08 6 "Hauling" -- No. Under -- Right at the top it
 16:37:10 7 says, "The skipping operation is not a dust-free
 16:37:14 8 operation, but (it) is not a hazardous operation."
 16:37:16 9 Do you see that?
 16:37:16 10 A Yes.
 16:37:22 11 Q Is it fair to say if there was dust
 16:37:28 12 present then there was asbestos in the dust?
 16:37:28 13 A Yes.
 16:37:30 14 Q As we sit here now, do you see any problem
 16:37:32 15 with Mr. Bleich's statement in 1964 that the skip
 16:37:34 16 operation was not a hazardous operation?
 16:37:36 17 A No, I don't see any problem.
 16:37:54 18 Q Now, under "Hauling" -- let's see -- it
 16:37:58 19 says, "The dumping the skip cars into the lower ore
 16:38:02 20 bins creates dust, as does any handling of
 16:38:04 21 vermiculite concentrates." Do you see that?
 16:38:04 22 A Yes, sir.
 16:38:06 23 Q Did you agree with that in 1964?
 16:38:06 24 A Yes, sir.
 16:38:10 25 Q Do you agree with that now?

EARL D. LOVICK (VOL. 1)

CondenseIt!™

HURLBERT VS. W.R. GRACE

Page 256	Page 258
<p>1638:10 1 A Yes, sir.</p> <p>1638:22 2 Q So can we infer from that that any</p> <p>1638:22 3 handling of vermiculite concentrates will create</p> <p>1638:26 4 dust, any movement of them?</p> <p>1638:28 5 MR. MURPHY: Objection to the form of</p> <p>1638:28 6 the question.</p> <p>1638:32 7 THE WITNESS: It would be correct to</p> <p>1638:34 8 say it could create dust.</p> <p>1638:34 9 BY MR. HEBERLING:</p> <p>1638:36 10 Q All right. It's also possible that it</p> <p>1638:42 11 would be a rainy day and it could be raining so much</p> <p>1638:42 12 there wouldn't be any dust; right?</p> <p>1638:44 13 MR. MURPHY: Objection.</p> <p>1638:44 14 Argumentative.</p> <p>1638:46 15 THE WITNESS: In the operation I</p> <p>1638:48 16 don't know how that could happen. The concentrates</p> <p>1638:52 17 wouldn't be that wet, I don't think, but there could</p> <p>1638:56 18 be conditions where, if they were wet from rain or</p> <p>1639:06 19 whatever, then there would be no free dust in the</p> <p>1639:06 20 vicinity.</p> <p>1639:06 21 BY MR. HEBERLING:</p> <p>1639:18 22 Q Okay. And vermiculite concentrates are</p> <p>1639:20 23 what is -- what emerge from the dry mill; correct?</p> <p>1639:20 24 A Yes, sir.</p> <p>1639:20 25 Q And then it's handled, goes down the</p>	<p>1640:34 1 enters that space for repairs or whatever reason</p> <p>1640:38 2 would be standing in asbestos dust?</p> <p>1640:40 3 MR. MURPHY: Objection. Lack of</p> <p>1640:44 4 foundation. Hypothetical.</p> <p>1640:46 5 THE WITNESS: I don't know what that</p> <p>1640:48 6 question means. I don't know what you mean. When</p> <p>1640:50 7 that truck is being loaded, there is dust created,</p> <p>1640:54 8 but that's only for a very short period of time, and</p> <p>1640:56 9 there's no person there that's exposed to that dust</p> <p>1641:00 10 at that time. He opens the gates, and he gets out</p> <p>1641:02 11 of the way.</p> <p>1641:02 12 BY MR. HEBERLING:</p> <p>1641:04 13 Q Then, as a matter of common sense, does</p> <p>1641:06 14 the dust settle on the ground?</p> <p>1641:08 15 A I suppose it would, yes.</p> <p>1641:12 16 Q And would any worker who later came to the</p> <p>1641:14 17 area and stood at that same spot be standing in</p> <p>1641:16 18 asbestos dust?</p> <p>1641:20 19 MR. MURPHY: Objection to the form of</p> <p>1641:20 20 the question.</p> <p>1641:20 21 BY MR. HEBERLING:</p> <p>1641:20 22 Q Is that likely?</p> <p>1641:22 23 A That's possible, yes.</p> <p>1641:32 24 Q Okay. Then in the second paragraph, still</p> <p>1641:36 25 talking about the loading of the Kenworth truck, it</p>
Page 257	Page 259
<p>1639:20 1 mountain on the skip; correct?</p> <p>1639:20 2 A Yes.</p> <p>1639:22 3 Q And then trucked to the river storage;</p> <p>1639:22 4 correct?</p> <p>1639:22 5 A Yes.</p> <p>1639:26 6 Q And then goes on the conveyors across the</p> <p>1639:28 7 river; correct?</p> <p>1639:28 8 A Yes.</p> <p>1639:30 9 Q So every time it was moved is it fair to</p> <p>1639:34 10 say that dust would be created in most instances?</p> <p>1639:34 11 A Yes, sir.</p> <p>1639:46 12 Q Okay. But as I understand your position,</p> <p>1639:52 13 you're saying the raw ore when moved or dumped from</p> <p>1639:56 14 a truck at the transfer point would be -- in most</p> <p>1640:00 15 cases would not create dust; is that correct?</p> <p>1640:00 16 A That's correct, yes, sir.</p> <p>1640:14 17 Q Then paragraph two, there's talk of,</p> <p>1640:18 18 "Loading of the Kenworth truck beneath the lower</p> <p>1640:22 19 ore bins is a dusty operation in a somewhat confined</p> <p>1640:24 20 space." Do you see that?</p> <p>1640:24 21 A Yes.</p> <p>1640:26 22 Q And is it likely that there would be</p> <p>1640:26 23 asbestos in this dust?</p> <p>1640:28 24 A Yes.</p> <p>1640:32 25 Q And is it likely, then, that anyone who</p>	<p>1641:42 1 says, "The ventilation problem is immense." Would</p> <p>1641:42 2 you agree with that?</p> <p>1641:44 3 A Yes.</p> <p>1641:52 4 Q Was the problem of dust at the lower ore</p> <p>1642:00 5 bins ever solved? The ventilation -- Was the</p> <p>1642:04 6 ventilation problem at the lower ore bins ever</p> <p>1642:04 7 solved?</p> <p>1642:06 8 A No.</p> <p>1642:14 9 Q Paragraph four, still under "Hauling," do</p> <p>1642:16 10 you see where it says, "The dumping of the Kenworth</p> <p>1642:20 11 truck into either the river loading hoppers or the</p> <p>1642:24 12 horizontal storage creates dust in considerable</p> <p>1642:26 13 quantities"? Do you see that?</p> <p>1642:26 14 A Yes, sir.</p> <p>1642:30 15 Q Now, the horizontal storage, is that a</p> <p>1642:32 16 building that's closed on three sides, more or less?</p> <p>1642:34 17 A More or less, yes.</p> <p>1642:36 18 Q And is that where a nursery is currently</p> <p>1642:38 19 in operation?</p> <p>1642:38 20 A Yes, sir.</p> <p>1642:42 21 Q And the storage building that is there,</p> <p>1642:46 22 does that currently contain boats?</p> <p>1642:48 23 A I don't know what it contains.</p> <p>1642:50 24 Q At any rate, is it your understanding that</p> <p>1643:04 25 the building is still there?</p>

Page 260

16-03-04 1 A Yes, sir. I know it's still there.
 16-03-06 2 Q And when the operation -- When the mine
 16-03-06 3 and mill were still operating, would anyone who
 16-03-10 4 would be standing in the area, say within 30 feet of
 16-03-14 5 that building, be standing -- Is it likely that they
 16-03-16 6 would be standing in asbestos dust?
 16-03-18 7 MR. MURPHY: Objection to the form of
 16-03-22 8 the question, the reference to "Asbestos dust,"
 16-03-26 9 which was the basis of my objection the last time.
 16-03-28 10 THE WITNESS: It's possible they
 16-03-32 11 could be standing in dirt or in dust with asbestos
 16-03-36 12 in it, but there would not be piles of dust laying
 16-03-40 13 around in these areas.
 16-03-40 14 BY MR. HEBERLING:
 16-03-42 15 Q Is that because the dust would be cleaned
 16-03-46 16 up, or why would that be?
 16-03-50 17 A No. There would not be that much dust
 16-03-52 18 generated and settled.
 16-03-54 19 Q And at the horizontal storage, how --
 16-44-00 20 Okay. A truck dumped the ore -- let's say the
 16-44-02 21 vermiculite concentrate --
 16-44-02 22 A Yes.
 16-44-04 23 Q -- at the horizontal storage?
 16-44-04 24 A Yes.
 16-44-08 25 Q And then how did the concentrate get into

Page 261

16-44-08 1 the conveyors?
 16-44-14 2 A The conveyors were on the floor underneath
 16-44-18 3 this concentrate, and there were gates on these
 16-44-20 4 conveyors that would be opened, and they were opened
 16-44-24 5 from a remote location so the ore would fall down
 16-44-26 6 through them onto a conveyor belt.
 16-44-28 7 Q And the place where the conveyors were,
 16-44-30 8 was that called the tunnels?
 16-44-32 9 A Yes, sir.
 16-44-36 10 Q And at times did a dozer operator push the
 16-44-44 11 concentrate into the area of the tunnels?
 16-44-44 12 A Yes, sir.
 16-44-48 13 Q And at times did workers shovel
 16-44-54 14 concentrate which fell off the conveyor back onto
 16-44-54 15 the conveyor?
 16-44-56 16 A Yes, sir.
 16-45-04 17 Q And what kind of ventilation did the
 16-45-08 18 tunnels have in the '60s, just natural?
 16-45-14 19 A No. They had -- They had fans that sucked
 16-45-20 20 air out of the tunnels and exhausted it.
 16-45-22 21 Q Do you know how big the fan or fans were?
 16-45-22 22 A No, sir.
 16-45-30 23 Q And, then, later, in the '70s, was a
 16-45-34 24 different ventilation system applied there?
 16-45-38 25 A Well, the ventilation system always --

Page 262

16-45-40 1 Basically, the same system would have applied, but
 16-45-42 2 there was an improvement made, and I don't --
 16-45-46 3 improvements made, and I don't know when it would
 16-45-50 4 have been. Probably in the '60s the bag houses were
 16-45-52 5 installed so that when the dust was picked up it
 16-46-00 6 would be collected in these bag houses.
 16-46-00 7 Q Okay. So how did the fan pick up the
 16-46-10 8 dust, or how was the dust picked up? Let me ask it
 16-46-10 9 that way.
 16-46-10 10 A Well, there would be ducts under there
 16-46-12 11 that the air would flow into these ducts and carry
 16-46-12 12 the dust with it.
 16-46-18 13 Q And what's your understanding of when the
 16-46-20 14 bag house was applied there?
 16-46-22 15 A In the '60s.
 16-46-26 16 Q And was there ever something called a
 16-46-28 17 super sucker built for the tunnels?
 16-46-34 18 A I don't know. I don't know.
 16-46-38 19 Q Butch Hurlbert, who worked there and
 16-46-44 20 worked on installing it, called it a super sucker,
 16-46-46 21 which was some kind of ventilation system for the
 16-46-52 22 area of the conveyor in the tunnels. You don't know
 16-46-52 23 it by that name?
 16-46-54 24 A No, sir.
 16-46-56 25 Q Do you know of any kind of major

Page 263

16-46-58 1 improvement of the ventilation system in the tunnels
 16-47-02 2 in 1975 or 1976?
 16-47-06 3 A No. I know that it was improved. I don't
 16-47-10 4 know what -- I don't know when in time it would have
 16-47-10 5 been done.
 16-47-18 6 Q Okay. Back to the December 30, 1964 memo,
 16-47-22 7 and under "Storage," it says, "The unloading of the
 16-47-26 8 horizontal storage bins requires the use of the
 16-47-30 9 Cat 955 loader-dozer. This is a dusty operation."
 16-47-32 10 Is this what you described before?
 16-47-32 11 A Yes, sir.
 16-47-34 12 Q Where the dozer pushes the concentrate
 16-47-38 13 onto the conveyor belts?
 16-47-38 14 A Yes.
 16-47-54 15 Q And what are the load-out gates?
 16-47-58 16 A Well, they are the gates that are in the
 16-48-04 17 tunnels that the concentrate falls through when it
 16-48-06 18 falls onto the conveyor belt.
 16-48-12 19 Q Okay. So that would be a gate in the
 16-48-14 20 ceiling of the tunnels which would be opened to
 16-48-16 21 allow the concentrate to fall in?
 16-48-16 22 A Yes, sir.
 16-48-34 23 Q Then in the last paragraph of page four,
 16-48-38 24 there's mention of silo-type storage bins built
 16-48-46 25 during the period of March '59 to December '61.

EARL D. LOVICK (VOL. 1)

CondenseIt!™

HURLBERT VS. W.R. GRACE

Page 264

Page 266

16:48:46 1 What were those?

16:48:50 2 A A silo-type bin.

16:48:54 3 Q How did the ore get up into the silos?

16:48:56 4 A By an elevator and a conveyor belt across

16:48:58 5 the top of the silos.

16:49:04 6 Q How did the operators select which ore to

16:49:06 7 put into the horizontal storage and which ore to put

16:49:08 8 into the silos?

16:49:12 9 A The fine ore, No. 4, was put into the

16:49:16 10 silos, and two, three and four were put into the

16:49:18 11 horizontal storage.

16:49:36 12 Q Okay. Then at the top of page five, still

16:49:40 13 on the silos, it says, "Although there is no

16:49:42 14 ventilation system on the screw and belt conveyor

16:49:46 15 galleys across the top of the bins, there is no

16:49:48 16 personnel exposure because bin changes ... are made

16:49:54 17 during down time." As we sit here today, do you

16:49:56 18 agree with that statement?

16:49:56 19 A Yes, sir.

16:50:00 20 Q If any personnel were in there repairing,

16:50:06 21 performing repairs or making this bin change,

16:50:10 22 wouldn't they be standing in asbestos -- asbestos

16:50:12 23 dust as they worked?

16:50:14 24 MR. MURPHY: Objection to the form of

16:50:14 25 the question.

16:51:36 1 the location, but it's already been answered.

16:51:36 2 BY MR. HEBERLING:

16:51:38 3 Q How was the bagging equipment ventilated

16:51:40 4 in 1964?

16:51:52 5 A There was a ventilating fan at the bagging

16:51:58 6 facility, and it discharged -- went into a bag

16:52:00 7 house.

16:52:08 8 Q And then under "Expanding Plant," it says,

16:52:16 9 "The expanding plant, including the special verxite

16:52:20 10 equipment". What is verxite equipment?

16:52:24 11 A It's a form of highly concentrated

16:52:24 12 expanded material that they made.

16:52:30 13 Q So would that be a very fine dust?

16:52:34 14 A No, it's not a dust at all. It was a --

16:52:38 15 It was a product that was made from, basically,

16:52:50 16 No. 4 ore, which was highly concentrated and

16:52:50 17 treated.

16:52:56 18 Q Okay. So it goes on, "The expanding

16:53:00 19 plant ... is no better or no worse than any normal

16:53:04 20 commercial plant. Complete dust control will be

16:53:06 21 designed into any new installation." Do you see

16:53:06 22 that?

16:53:06 23 A Yes, sir.

16:53:08 24 Q Was there ever a new installation?

16:53:10 25 A Not at Libby, no, sir.

Page 265

Page 267

16:50:14 1 THE WITNESS: I don't know.

16:50:16 2 Possibly.

16:50:18 3 BY MR. HEBERLING:

16:50:24 4 Q Okay. Then under "Loading," it's

16:50:26 5 mentioned at the end, the last little paragraph,

16:50:30 6 "The downtown storage and loading facilities are

16:50:34 7 comparable to the river storage and loading. All

16:50:38 8 truck dumping is into open hoppers which reduces the

16:50:42 9 hazard. Except for truck loading, all loading is

16:50:46 10 bagged. The bagging equipment is ventilated." Do

16:50:46 11 you see that?

16:50:46 12 A Yes, sir.

16:50:56 13 Q And so here the workers would be moving

16:51:00 14 the concentrate, and there would be some dust

16:51:02 15 involved, wouldn't there?

16:51:02 16 A Yes, sir.

16:51:06 17 Q And that would mean some asbestos

16:51:08 18 exposure, would it not?

16:51:08 19 A Yes, sir.

16:51:10 20 Q Now, there are no controls suggested for

16:51:14 21 these facilities by the railroad tracks by the edge

16:51:20 22 of town, at least by Mr. Bleich; is that correct?

16:51:20 23 A Yes.

16:51:22 24 MR. GRAHAM: I'd object to the form

16:51:24 25 of the question on the basis of the description of

16:53:14 1 Q And the expanding plant continued to

16:53:16 2 operate until what year?

16:53:24 3 A About 1969, but the operation of that

16:53:28 4 should be defined. It operated very little. The

16:53:32 5 primary purpose of that expanding plant was for

16:53:40 6 research into more efficient means of expanding the

16:53:44 7 ore, exfoliating the ore. It was not operated as a

16:53:46 8 commercial plant.

16:53:48 9 Q Then under "Laboratory," it says, "The

16:53:52 10 regular mill testers do not wear respirators in the

16:53:54 11 laboratory." Do you see that?

16:53:54 12 A Yes, sir.

16:53:58 13 Q And the laboratory was not in the dry

16:53:58 14 mill; right?

16:54:00 15 A No.

16:54:00 16 Q It was a separate building?

16:54:00 17 A Yes, sir.

16:54:04 18 Q Okay. Is it fair to say that most people

16:54:06 19 in the 1960s who worked outside the dry mill did not

16:54:08 20 wear respirators?

16:54:10 21 A Yes, sir.

16:54:14 22 Q Was that true in the '70s as well?

16:54:14 23 A Yes, sir.

16:54:26 24 Q Was this extensive review by Mr. Bleich

16:54:30 25 dated December 30, 1964 -- Is this the most detailed

Page 268

16:54:38 1 evaluation of dust control at the Grace mine and
 16:54:40 2 mill that you saw while working there?
 16:54:42 3 MR. GRAHAM: Object to the form of
 16:54:44 4 the question.
 16:54:46 5 Go ahead.
 16:54:48 6 THE WITNESS: I believe so, yes.
 16:54:50 7 BY MR. HEBERLING:
 16:54:52 8 Q Did you ever see a similar step-by-step
 16:54:54 9 review done by Mr. Kostic or anyone else?
 16:54:56 10 A I don't recall, no, sir.
 16:55:16 11 Q Beyond the use of respirators and repairs
 16:55:18 12 in the dry mill, was anything done in 1965 as a
 16:55:20 13 result of this report?
 16:55:22 14 A I don't recall.
 16:55:24 15 Q Let's refer to Exhibit 66. Does this
 16:55:26 16 appear to be --
 16:55:28 17 MR. MURPHY: Could I just, before you
 16:55:30 18 go to the next exhibit, inquire of the witness?
 16:55:32 19 Are you okay? You look like you're
 16:55:34 20 getting a little tired, and it's five o'clock, and
 16:55:36 21 we'll go to five-thirty if you're up to it as
 16:55:38 22 agreed, or if you're tired, we'll certainly break.
 16:55:40 23 You strike me as you're winding down a little bit,
 16:55:42 24 but you tell me. I just wanted to give you the
 16:55:44 25 opportunity to say -- How are you doing?

Page 269

16:55:58 1 THE VIDEOGRAPHER: This may be a good
 16:56:00 2 time to go off the record. We're about out of
 16:56:02 3 tape.
 16:56:04 4 MR. MURPHY: If I knew that, I would
 16:56:06 5 have waited.
 16:56:08 6 THE VIDEOGRAPHER: We're going off
 16:56:10 7 the record at 4:55.
 16:57:44 8 (Brief recess.)
 16:57:46 9 THE VIDEOGRAPHER: We're back on the
 16:57:48 10 record. It's approximately 4:57.
 16:57:50 11 BY MR. HEBERLING:
 16:57:52 12 Q Let's refer to Exhibit 66. Does this
 16:57:54 13 appear to be a memo from Mr. Bleich to Mr. Kelley
 16:57:56 14 dated January 2, 1965?
 16:58:00 15 A Yes, sir.
 16:58:02 16 Q And was this a memo generated by Zonolite
 16:58:04 17 in Libby at or about this date?
 16:58:12 18 A It was apparently generated by Mr. Bleich,
 16:58:14 19 yes, sir.
 16:58:20 20 Q Then it starts off, "Earl has sent two
 16:58:22 21 copies of all reports we have from Montana State
 16:58:24 22 Board of Health on the dust problem." Do you see
 16:58:26 23 that?
 16:58:28 24 A Yes, sir.
 16:58:30 25 Q And you are Earl; is that right?

Page 270

16:58:32 1 A That's right.
 16:58:34 2 Q Then the second paragraph, "In going over
 16:58:36 3 these reports, I can only say that it presents a
 16:58:38 4 very sorry record." There is still some
 16:58:40 5 improvement -- Excuse me. "There is some
 16:58:42 6 improvement indicated during 1964, but still totally
 16:58:44 7 inadequate." Do you see that?
 16:58:46 8 A Yes, sir.
 16:58:48 9 Q Did you agree with that statement when it
 16:58:50 10 was made?
 16:58:52 11 A Well, I don't recall. This was
 16:58:54 12 Mr. Bleich's statement. I don't have any comment on
 16:58:56 13 it.
 16:59:00 14 Q Do you agree with it now?
 16:59:02 15 A Well, I don't know that I do, no. I think
 16:59:04 16 that we did the best that we could.
 16:59:06 17 Q Let's refer to Exhibit 67, and does that
 16:59:08 18 appear to be a memo from you to Mr. Kelley dated
 16:59:10 19 January 2, 1965?
 16:59:12 20 A Yes, sir.
 16:59:14 21 Q Are you the author of this memo?
 16:59:16 22 A Yes, sir.
 16:59:18 23 Q And was this memo written pursuant to a
 16:59:20 24 direction from Mr. Blackwood, who's high up in
 16:59:22 25 Grace, to present an evaluation of dust control and

Page 271

16:59:24 1 the history of it?
 16:59:26 2 A Yes, sir.
 16:59:28 3 Q Then page two, in the middle of the first
 17:00:00 4 paragraph, it says, "In order to protect ourselves
 17:00:02 5 and place ourselves on record as ... the condition
 17:00:04 6 of our employees, as of the effective date of the
 17:00:06 7 law," referring to the occupational disease law, "we
 17:00:08 8 instituted a program whereby all of our employees
 17:00:10 9 would have x-rays at the local hospital." Do you
 17:00:12 10 see that?
 17:00:14 11 A Yes.
 17:00:16 12 Q Is that a correct statement of what
 17:00:18 13 happened?
 17:00:20 14 A Yes, sir.
 17:00:22 15 Q Then on page three at the bottom, it says,
 17:01:16 16 "Upon completion of the x-rays and interpretations
 17:01:18 17 by Dr. Little, the reports were again turned over to
 17:01:20 18 the employees' personal doctors for notification of
 17:01:22 19 results as before. In this survey there were 143
 17:01:24 20 x-rays taken, which included 21 salaried supervisory
 17:01:26 21 people. Of the 143, 92 have had more than five
 17:01:28 22 years' employment with us. Of these, 30 show some
 17:01:30 23 emphysema or fibrotic respiratory condition." Do
 17:01:32 24 you see that?
 17:01:34 25 A Yes, sir.

EARL D. LOVICK (VOL. 1)

CondenseIt!™

HURLBERT VS. W.R. GRACE

Page 272

Page 274

17:01:48 1 Q Who did this analysis of all the x-rays?
 17:01:50 2 A Dr. William Little.
 3 Q And did he --
 17:01:54 4 A I should qualify that. In 1965 I believe
 17:01:58 5 he did them all. He later on took over one or two
 17:02:00 6 associates that may have interpreted them, but they
 17:02:04 7 were in Dr. Little's office.
 17:02:06 8 Q What I'm wondering is, who did the
 17:02:10 9 statistical review? Was this done by you or
 17:02:14 10 somebody at Zonolite, based on the reports, or did
 17:02:18 11 Dr. Little do the statistical work?
 17:02:20 12 A Now, what statistical work?
 17:02:22 13 Q Well, for example, saying, for the 92
 17:02:26 14 employees with more than five years' employment, "Of
 17:02:30 15 these, 30 show some emphysema or fibrotic
 17:02:32 16 respiratory condition."
 17:02:36 17 A I probably did that, based on Dr. Little's
 17:02:38 18 interpretations.
 17:02:38 19 Q So you had all the reports?
 17:02:38 20 A Yes, sir.
 17:02:42 21 Q And you just used the conclusions in the
 17:02:44 22 reports?
 17:02:44 23 A Yes, sir.
 17:02:54 24 Q Okay. Then further down it says, "39 have
 17:02:58 25 over ten years' employment with us. Of this 39, the

Page 273

17:03:00 1 radiologist interprets 21 of them to have normal
 17:03:04 2 chests and 18 to have abnormal chests." Do you see
 17:03:04 3 that?
 17:03:04 4 A Yes, sir.
 17:03:08 5 Q And, again, you did this statistical
 17:03:08 6 review?
 17:03:10 7 A Yes, sir.
 17:03:18 8 Q Then the next page do you see a listing of
 17:03:20 9 normal chests and abnormal chests?
 17:03:20 10 A Yes, sir.
 17:03:32 11 Q Of the abnormal chests, do you see Allen
 17:03:32 12 Boothman?
 17:03:34 13 A Yes.
 17:03:36 14 Q Did he die of lung disease?
 17:03:42 15 A I don't recall what he died from. He
 17:03:44 16 died. I know that, but I don't recall what his
 17:03:44 17 cause of death was.
 17:03:46 18 Q The next one, Robert Cohenour, did he die
 17:03:46 19 of lung disease?
 17:03:48 20 A Yes, sir.
 17:03:50 21 Q Floyd Cole, did he die of lung disease?
 17:03:56 22 A I believe not, but I'm not really -- I
 17:04:20 23 don't really know what he died from. It was after I
 17:04:20 24 left the employ of the company.
 17:04:22 25 Q Did you testify in a deposition in his

17:04:22 1 case against Grace?
 17:04:22 2 A I don't know.
 17:04:22 3 Q Okay. We've referred to a deposition --
 17:04:24 4 I'm not going to dig that out right now.
 17:04:24 5 Jack Garrison, did he die of lung disease?
 17:04:30 6 A Yes, sir.
 17:04:30 7 Q Ernie Hamilton, did he die of lung
 17:04:32 8 disease?
 17:04:36 9 A Yes, sir. I believe so.
 17:04:38 10 Q Louis Hoppe, did he die of lung disease?
 17:04:46 11 A No. He drowned.
 17:04:48 12 Q And Michael McNair, did he die of
 17:04:52 13 mesothelioma?
 17:04:52 14 A Yes, sir.
 17:04:52 15 Q Which is a lung disease?
 17:04:54 16 A Yes, sir.
 17:04:54 17 MR. MURPHY: Objection to the form of
 17:04:54 18 the last question.
 17:04:54 19 BY MR. HEBERLING:
 17:04:56 20 Q Lloyd Miller, did he die of lung disease?
 17:05:00 21 A Yes, sir.
 17:05:02 22 Q Richard Rayome, did he die of lung
 17:05:02 23 disease?
 17:05:06 24 A Yes, sir.
 17:05:08 25 Q Stuart Risley, did he die of lung disease?

Page 275

17:05:12 1 A I don't know.
 17:05:12 2 Q Harold Shrewsbury, did he die of lung
 17:05:12 3 disease?
 17:05:16 4 A I don't know.
 17:05:18 5 Q And L.D. Welch -- that would be Lylus
 17:05:18 6 Welch -- did he die of lung disease?
 17:05:24 7 A Well, certainly a contributing factor.
 17:05:24 8 Q And then of the normal chests,
 17:05:24 9 W.D. Fields, did he die of lung disease?
 17:05:30 10 A I don't know.
 17:05:32 11 Q Do you know his widow, Lila Fields?
 17:05:32 12 A Yes, I do.
 17:05:32 13 Q But you don't know the circumstances of
 17:05:32 14 Mr. Fields's death?
 17:05:34 15 A No, sir, I don't.
 17:05:34 16 Q James Gidley, did he die of lung disease?
 17:05:40 17 A Yes, sir.
 17:05:40 18 Q And Donald Johnson, has he had asbestosis
 17:05:40 19 for some time?
 17:05:42 20 A He has a lung disease. I don't know what
 17:05:42 21 it is.
 17:05:46 22 Q And Harvey Noble, did he die of lung
 17:05:46 23 disease?
 17:05:50 24 A Yes, sir.
 17:05:52 25 Q Derward Preston, did he die of lung

HURLBERT VS. W.R. GRACE**Condenselt!™****EARL D. LOVICK (VOL. 1)**

Page 276

17:05:32 1 disease?

17:05:56 2 A I don't know.

17:05:58 3 Q Arnold Smith, did he die of lung disease?

17:06:04 4 A I can't say.

17:06:04 5 Q James Smith, did he die of lung disease?

17:06:10 6 A No, sir.

17:06:10 7 Q And Edward Wittlake, did he die of lung

17:06:10 8 disease?

17:06:16 9 A I don't know. On all of these cases where

17:06:16 10 I said, "I don't know. I don't recall," I probably

17:06:16 11 knew at one time.

17:06:18 12 Q And were all these employees whose names I

17:06:18 13 just read exposed to asbestos dust?

17:06:20 14 A Yes, sir, they would have been.

17:06:22 15 Q And at any point -- No. At this point, in

17:06:26 16 1965, was any information given to these employees

17:06:30 17 that inhaling asbestos dust could be dangerous and

17:06:32 18 hazardous to their health?

17:06:40 19 A Well, you have asked this question before

17:06:46 20 today, and, specifically, I don't know that we gave

17:06:56 21 any specific information on the hazards of asbestos

17:06:58 22 or whatever, but there's every reason to think that

17:07:04 23 these employees were aware of it. Among other

17:07:08 24 things, the union, which they all belonged to, had

17:07:16 25 information on the hazards of asbestos to their

Page 277

17:07:18 1 welfare, and --

17:07:20 2 Q Do you have any personal knowledge of any

17:07:22 3 discussion at a union meeting --

17:07:26 4 MR. MURPHY: Excuse me,

17:07:28 5 Mr. Heberling. I don't think the witness had

17:07:30 6 finished his answer. I believe you interrupted

17:07:34 7 him. If he's finished, fine, but I don't believe he

17:07:36 8 was finished.

17:07:36 9 BY MR. HEBERLING:

17:07:38 10 Q If you have more, please go ahead.

17:07:40 11 A No. I'll stop there.

17:07:42 12 Q Okay. Do you have any personal knowledge

17:07:46 13 of a union meeting where asbestos hazards were

17:07:52 14 discussed as of the 1960s?

17:07:52 15 A Well, I certainly was never in any

17:07:54 16 attendance at any union meetings except --

17:07:58 17 Q Except by -- Excuse me.

17:08:00 18 A -- one that I presented some information.

17:08:04 19 It had nothing to do with this, but I have seen

17:08:10 20 copies of union meeting minutes where the asbestos

17:08:12 21 problem was discussed in the union meetings.

17:08:14 22 Q Do you know the dates of those minutes?

17:08:16 23 A No, sir.

17:08:20 24 Q And do you know if those minutes refer to

17:08:28 25 the dust problem or exactly what the reference is

Page 278

17:08:28 1 to?

17:08:34 2 A Well, some of the references are to

17:08:40 3 inspections by the State Board of Health, which

17:08:44 4 addressed the dust problems, but other than that, I

17:08:48 5 can't say specifically what it would be.

17:08:52 6 Q Okay. As of 1965, did W.R. Grace have a

17:08:54 7 policy of keeping asbestos dust away from its

17:08:56 8 employees?

17:08:56 9 MR. MURPHY: Objection to the form of

17:08:58 10 the question.

17:09:02 11 THE WITNESS: Well, it's not possible

17:09:08 12 to have a policy to do that. We did everything we

17:09:10 13 could to keep the dust exposure to all of the

17:09:22 14 employees that we had at the minimal that we could.

17:09:22 15 BY MR. HEBERLING:

17:09:28 16 Q Okay. And then at page six do you see a

17:09:30 17 list of enclosures?

17:09:30 18 A Yes, sir.

17:09:34 19 Q And No. 1, do you see "Dr. Woodrow

17:09:40 20 Nelson - Report of Spirometry Tests, 1964"?

17:09:42 21 A Yes, sir.

17:10:14 22 Q Go back to Exhibit 54. Is this Exhibit 54

17:10:18 23 titled "Report of Spirometry Tests"?

17:10:22 24 A Yes, sir. I'd have every reason to

17:10:28 25 believe that the enclosure of Dr. Nelson's listed

Page 279

17:10:28 1 here is this report.

17:10:32 2 Q "This report," and you're pointing at

17:10:34 3 Exhibit 54?

17:10:34 4 A Yes, sir.

17:10:46 5 Q Okay. Then let's refer to Exhibit 68.

17:10:54 6 Does this appear to be a letter of Mr. Rupp,

17:11:00 7 treasurer, to the insurance company, Maryland

17:11:02 8 Casualty, dated January 6, '65?

17:11:04 9 A Yes, sir.

17:11:08 10 Q And down under "bc," for blind copy, do

17:11:10 11 you see "E.D. Lovick"?

17:11:10 12 A Yes, sir.

17:11:14 13 Q Did you receive a copy of this Exhibit 68

17:11:16 14 in 1965, January?

17:11:18 15 A Yes, sir.

17:11:26 16 Q Now we're back to talking about

17:11:40 17 Dr. Nelson's proposal for further study, and do you

17:11:42 18 understand from this letter that there was the

17:11:46 19 reference to the insurance company to undertake the

17:11:46 20 study?

17:11:48 21 A Yes, sir.

17:11:54 22 Q And the last sentences of the letter

17:12:00 23 appear to read, "Mr. Kelley then met with

17:12:02 24 Dr. Woodrow (Wilson) in Libby." Do you recall

17:12:06 25 meeting with Mr. Kelley and Mr. Wilson in Libby?

EARL D. LOVICK (VOL. 1)

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HURLBERT VS. W.R. GRACE

Page 280

Page 282

17:12:06 1 MR. GRAHAM: I probably should
 17:12:12 2 correct that. "Woodrow Wilson" is a Freudian slip.
 17:12:20 3 It probably should be Woodrow Nelson.
 17:12:20 4 MR. HEBERLING: I don't know where
 17:12:20 5 I've heard that name.
 17:12:22 6 MR. MURPHY: Maybe I should have
 17:12:24 7 asked Mr. Heberling if we should have quit at
 17:12:26 8 five o'clock instead of Mr. Lovick.
 9 BY MR. HEBERLING:
 17:12:28 10 Q Okay. It says, "Mr. Kelley then met with
 17:12:32 11 Mr. Woodrow Nelson in Libby." Do you recall a
 17:12:34 12 meeting between you and Mr. Kelley and Mr. Nelson?
 17:12:36 13 A No, sir, I don't.
 17:12:36 14 Q "And arranged for the forwarding of the
 17:12:40 15 desired records. Mr. E. Lovick, assistant manager
 17:12:44 16 of the Libby operation, today was handling the
 17:12:48 17 (packaging) and shipping of the records." Did you
 17:12:48 18 do that?
 17:12:48 19 A Yes, sir.
 17:12:50 20 Q And in doing so did you ship off the
 17:13:02 21 results of Dr. Nelson's spirometry tests to the
 17:13:04 22 Maryland Casualty Company?
 17:13:10 23 A I'm not sure about this particular time
 17:13:22 24 what they wanted, but because the spirometry thing
 17:13:26 25 was referred to here --

Page 281

17:13:28 1 Q I think we can answer this with the next
 17:13:28 2 letter.
 17:13:30 3 A Okay.
 17:13:32 4 MR. MURPHY: I think you could go
 17:13:34 5 back to --
 17:13:34 6 BY MR. HEBERLING:
 17:13:36 7 Q Exhibit 69 --
 17:13:36 8 A Yes.
 17:13:40 9 Q -- does this appear to be a letter from
 17:13:42 10 you to the insurance company dated January 6, '65?
 17:13:42 11 A Yes.
 17:13:46 12 Q And are you the author of this letter?
 17:13:46 13 A Yes, I am.
 17:13:50 14 Q And do you list what you sent off to the
 17:13:50 15 insurance company?
 17:13:54 16 A Yes, sir.
 17:13:58 17 Q And was that a fairly complete set of what
 17:14:00 18 Dr. Nelson had?
 17:14:04 19 A That was everything that -- everything
 17:14:04 20 that he had, I'm sure.
 17:14:12 21 Q Then let's refer to Exhibit 70, and does
 17:14:16 22 that appear to be a letter or a memo from Mr. Kelley
 17:14:18 23 to Bleich and Lovick?
 17:14:18 24 A Yes, sir.
 17:14:22 25 Q Did you receive this on or about

17:14:24 1 January 8, '65?
 17:14:24 2 A Yes, sir.
 17:14:26 3 Q And in the second paragraph, do you see
 17:14:30 4 where it says, "I am very disappointed in the
 17:14:32 5 slowness to react to the recommendations of the
 17:14:34 6 Montana State Department of Health, and you are
 17:14:38 7 hereby required and directed to bring the
 17:14:40 8 recommendations into effect immediately"? Do you
 9 see that?
 17:14:42 10 A Yes, sir, I see that.
 17:14:44 11 Q Did you interpret that as a reprimand from
 17:14:46 12 Mr. Kelley?
 17:14:46 13 A Yes, sir.
 17:15:04 14 Q Then I believe -- In fairness, was there
 17:15:06 15 any doubt that Mr. Kelley was aware of the problem
 17:15:12 16 from 1956 on?
 17:15:14 17 MR. GRAHAM: Object to the form of
 17:15:16 18 the question. I don't understand it.
 17:15:18 19 Go ahead and answer it if you can
 17:15:18 20 understand it.
 17:15:20 21 THE WITNESS: I don't either. I
 17:15:22 22 don't understand it either. You say "That
 17:15:24 23 Mr. Kelley was aware of the problem." I don't know
 17:15:26 24 which problem you're talking about.
 17:15:26 25 /////

Page 283

1 BY MR. HEBERLING:
 17:15:28 2 Q The problem of slowness to react or what
 17:15:30 3 was being done in response to the recommendations of
 17:15:32 4 the State Health Department.
 17:15:40 5 A Well, this was his feeling that this was a
 17:15:48 6 problem. I don't know that I agreed or disagreed at
 17:15:50 7 that time, but that was his reaction.
 17:15:54 8 Q And then it says, "Not later than
 17:15:58 9 April 15 I expect you to request a resurvey by the
 17:16:00 10 Montana State Department of Health"?
 17:16:00 11 A Yes.
 17:16:02 12 Q That's toward the bottom. Do you see
 17:16:02 13 that?
 17:16:02 14 A Yes.
 17:16:04 15 Q Was that done?
 17:16:04 16 A I don't recall.
 17:16:10 17 Q Was there an inspection by the Montana
 17:16:14 18 State Board of Health in 1965, to your knowledge?
 17:16:20 19 A I don't recall. If there was, there would
 17:16:22 20 be a report on it.
 17:16:28 21 Q Now, one of the recommendations had been
 17:16:34 22 to have this ground level exhaust from the 600 fan
 17:16:40 23 raised up and, instead of having a horizontal stack,
 17:16:42 24 have a vertical stack?
 17:16:42 25 A Yes.

Page 284

17:16:48 1 Q And since you were to bring the
 17:16:50 2 recommendations into effect immediately and that was
 17:16:54 3 one of the recommendations, why wasn't that yet done
 17:16:54 4 for three more years?
 17:16:56 5 A I don't know.
 17:17:00 6 Q And they had recommended a vacuum system.
 17:17:02 7 Do you recall that in the 1956 report?
 17:17:04 8 A Yes.
 17:17:10 9 Q And was that bought at this time, in '65?
 17:17:12 10 A I don't recall.
 17:17:16 11 Q And do you recall a recommendation to
 17:17:18 12 clean the floors and rafters so that dust from the
 17:17:22 13 floors and rafters was not a factor?
 17:17:22 14 A Yes, sir. I recall that.
 17:17:28 15 Q And yet the monthly sweepdown was
 17:17:28 16 continued, was it not?
 17:17:30 17 A Well, that was part of the program.
 17:17:40 18 Q Let's refer to Exhibit 71. Does this
 17:17:44 19 appear to be a letter of January 11, '65 by Mr. Park
 17:17:48 20 of the insurance company to W.R. Grace?
 17:17:50 21 A Yes.
 17:18:00 22 Q Did you receive a copy of this in Libby in
 17:18:02 23 January '65?
 17:18:08 24 A I don't believe so, no, sir. I don't
 17:18:08 25 recall.

Page 285

17:18:20 1 MR. HEBERLING: Okay. Let's stop
 17:18:20 2 right here.
 17:18:24 3 THE VIDEOGRAPHER: We're going off
 17:18:28 4 the record at 5:18 on the 19th to recess this
 17:18:28 5 deposition until tomorrow morning.
 6 (Whereupon, the deposition of
 7 Earl D. Lovick was recessed at 5:18 a.m.)
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Page 286

1 CORRECTION PAGE
 2 PAGE LINE CORRECTION
 3
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 11
 12
 13
 14 I have read the foregoing testimony and
 15 believe the same to be true, except for the
 16 corrections noted above.
 17 DATED this ___ day of _____, 1997.
 18
 19 Earl D. Lovick
 20
 21 Subscribed and sworn to before me this ___ day
 of _____, 1997.
 22
 23 Notary Public for the
 State of Montana.
 24 Residing at _____
 25 My Commission expires: _____

Page 287

1
 2
 3 REPORTER'S CERTIFICATE
 4
 5 I, Jolene Asa, Registered Professional
 Reporter and Notary Public for the State of Montana,
 6 do hereby certify:
 7 THAT I did report the foregoing transcript
 after having first duly sworn the witness to testify
 8 to the truth;
 9 THAT said transcript was taken at the time
 and place stated on the caption hereto; and
 10 THAT the testimony of the witness was
 11 taken in shorthand by me and subsequently reduced to
 writing under my direction; and
 12 THAT the foregoing is a true and correct
 13 description of all the testimony of said witness to
 the best of my ability.
 14 IN WITNESS WHEREOF, I have hereunto
 15 subscribed my name and affixed my seal of office
 this 13th day of January, 1997.
 16
 17
 18
 19
 20 JOLENE ASA, RPR, and Notary Public
 for the State of Montana.
 21 Residing in Flathead County, Montana.
 My Commission expires 8/10/96
 22
 23
 24
 25

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12/20/83 Greenville County School District v. United States Gypsum Company, U.S. District Court, South Carolina, Greenville Division.

7/15/86 Priest v. W.R. Grace & Company, U.S. District Court, Montana, Missoula Division.

6/5/87 Anchorage School District v. W.R. Grace & Co., U.S. District Court, District of Alaska.

10/29/87 Adams-Arapahoe School District v. Celotex Corporation, U.S. District Court, District of Colorado.

9/6/89 Cole v. W.R. Grace and Company, U.S. District Court, Montana, Missoula Division.

12/21/88 Methodist Health Systems, Inc. v. W.R. Grace & Co., U.S. District Court, Western District of Tennessee, Western Division.

9/7/89 Hagen v. Armstrong World Industries, Inc., U.S. District Court, District of South Dakota, Northern Division.

10/13/89 The 3250 Wilshire Boulevard Building v. Metropolitan Life Insurance Company, U.S. District Court, Central District of California.

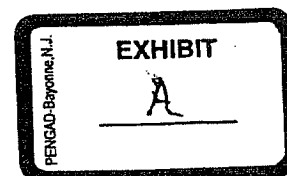
7/26/90 80 South Eighth Street Limited Partnership v. Armstrong World Industries, Inc., U.S. District Court of Minnesota, Third Division.

11/20/90 Brevard County v. W.R. Grace & Company, U.S. District Court, Middle District of Florida, Orlando Division.

5/8/91 Plaza 600 Corporation v. W.R. Grace & Co., U.S. District Court, Western District of Washington at Seattle.

2/5/92 Bunker Hill Towers Condominium Association v. The Prudential Insurance Company of America, Superior Court of the State of California, County of Los Angeles.

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2/13/92 Farm Credit Bank of St. Paul v. W.R. Grace & Co., U.S. District Court of Minnesota, Third Division.

3/17/92 Trizec Properties, Inc. V. United States Gypsum Company, Superior Court of the State of California, County of Los Angeles.

5/27/92 Robertson v. W.R. Grace and Company, 19th Judicial District Court of Montana, Lincoln County.

6/10/92 South Carolina v. W.R. Grace & Company, U.S. District Court of South Carolina, Columbia Division.

1/21/93 Prince George Center, Inc. V. United States Gypsum Co., Court of Common Pleas, Philadelphia County, Trial Division.

9/13/93 California Bank v. GAF Building Corporation, Superior Court, State of California, County of Los Angeles.

1/29/93 Maryland Casualty v. W.C. Grace & Company, U.S. District Court, Southern District of New York.

3/7/95 Block 145, Ltd. v. W.R. Grace & Co., 146th Judicial District Court, Harris County, Texas.

9/7/95 Baron & Budd, District Court, Dallas County, Texas.

BACK EAST

Supervisor who
the PLANT MGR
Reports to

Myers ~~x~~ J.A. Kelley ~~x~~ Sterrett ~~x~~ Vining-
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Walsh
Vining
Wolter

SAFETY
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LIBBY

PLANT MGR

Joughin	52	Bleich	68	Lovick	71	Oliverio	79	McCaig
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ASST MGR

\leftarrow Lovick \times None \times Lovick \rightarrow
 54 68 71 83

SAFETY ENGR

Kujawa — Sipila — Melcher — 83

MILL SUPT

Flatt:	62	J.D. Rigglesman	72	75	80	83
		Hammill	Vaplon	Vasquez		

MINE SUPT

—Baggs—Johnson—Kujawa—Krupp—
50 59 63 72

CONST SUPV

← Don Riley →

ENVTV ENGR

Geiger \longleftrightarrow

